



PARLIAMENT
OF THE CAYMAN ISLANDS



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OFFICIAL HANSARD REPORT

Fourth Meeting of the 2023/2024 Session
Second Sitting

Tuesday
23 July, 2024
(Pages 1-47)

Hon. Sir Alden McLaughlin
Speaker

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PRESENT WERE:

Hon. Sir Alden McLaughlin, KCMG, MBE, KC, JP, MP
Speaker

MINISTERS OF THE CABINET

Hon. André M. Ebanks, MP	<i>Acting Premier</i> , Acting Minister of Finance and Economic Development, Minister of Financial Services & Commerce and Investment, Innovation & Social Development
Hon. Kenneth V. Bryan, MP	<i>Acting Deputy Premier</i> , Minister of Tourism & Ports
Hon. Johany S. Ebanks, MP	Minister of Planning, Agriculture, Housing, Infrastructure and Transport & Development
Hon. Sabrina T. Turner, MP	Minister of Health & Wellness and Home Affairs
Hon. Katherine A. Ebanks-Wilks, MP	Minister of Sustainability & Climate Resiliency
Hon. Isaac D. Rankine, JP, MP	Minister of Youth, Sports and Heritage
Hon. Dwayne S. Seymour, OCI, JP, MP	Minister of Border Control & Labour and Culture

EX OFFICIO MEMBERS OF THE CABINET

Hon. Gloria McField-Nixon	<i>Acting Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
Hon. Samuel W. Bulgin, KC, JP	<i>Attorney General</i> , ex officio Member responsible for the Portfolio of Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Hon. Heather D. Bodden, OCI, Cert. Hon., JP, MP	<i>Deputy Speaker</i> , Parliamentary Secretary to Tourism and Social Development, Elected Member for Savannah
Mr. Bernie A. Bush, MP	Elected Member for West Bay North

OPPOSITION MEMBERS

Hon. Roy M. McTaggart, JP, MP	<i>Leader of the Opposition</i> , Elected Member for George Town East
Mr. Joseph X. Hew, MP	<i>Deputy Leader of the Opposition</i> , Elected Member for George Town North
Mr. Moses I. Kirkconnell, OBE, JP, MP	Elected Member for Cayman Brac West and Little Cayman
Ms. Barbara E. Conolly, JP, NP, MP	Elected Member for George Town South
Mr. David C. Wight, JP, MP	Elected Member for George Town West

INDEPENDENT OPPOSITION MEMBERS

Mr. Christopher S. Saunders, MP	Elected Member for Bodden Town West
Hon. G. Wayne Panton, JP, MP	Elected Member for Newlands

APOLOGIES

Hon. Juliana Y. O'Connor-Connolly, JP, MP	<i>Premier</i> and Minister of Finance, Education and District Administration & Lands
Hon. Franz I. Manderson, MBE, Cert Hon, JP	<i>Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
Hon. W. McKeeva Bush, JP, MP	Elected Member for West Bay West

OFFICIAL HANSARD REPORT
FOURTH MEETING OF THE 2023/2024 SESSION
TUESDAY
23 JULY, 2024
11:08 A.M.
Second Sitting

[Hon. Sir Alden McLaughlin, Speaker, presiding]

The Speaker: Good morning. Parliament is resumed.
I'll ask the Member for Cayman Brac West and Little Cayman to greet us with prayers.

PRAYERS

Mr. Moses I. Kirkconnell, Elected Member for Cayman Brac West and Little Cayman: Good morning. Let us pray:

Almighty Father, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Parliament now established, 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, King Charles III; William, 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 Parliament, the Leader of the Opposition; Ministers of the Cabinet, ex officio Members, Members of the Parliament; the Chief Justice and Members of the Judiciary 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.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

The Speaker: None.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**CIAA - Cayman Islands Airports Authority -
2019 Annual Report**

The Speaker: I recognise the Honourable Minister of Tourism and Ports.

Hon. Kenneth V. Bryan, Minister of Tourism & Ports, Elected Member for George Town Central:
Thank you, Mr. Speaker.

I rise to lay before this honourable House the Cayman Islands Airports Authority - 2019 Annual Report.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Kenneth V. Bryan: No, Mr. Speaker.

The Speaker: Very well.

**CTCEC - Cayman Turtle Conservation and
Education Centre Ltd. – Annual Report
for the Year ended 31st December 2020**

**CTCEC - Cayman Turtle Conservation and
Education Centre Ltd. – Annual Report
for the Year ended 31st December 2021**

The Speaker: I recognise the Honourable Minister of Tourism and Ports.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

I rise to lay before this honourable House, the Cayman Turtle Conservation and Education Centre Ltd. Annual Report for the year ended 31st December, 2020 and 31st December, 2021.

The Speaker: So ordered. Does the Honourable Minister wish to speak to the reports?

Hon. Kenneth V. Bryan: No, Mr. Speaker, except to advise that as the previous report, these were before I became Minister, only for the last six months of 2021.

The Speaker: Very well.

**Ministry of Tourism & Ports – Cayman Islands
Government - Annual Report for the Year Ended
31 December 2023**

The Speaker: I recognise the Honourable Minister for Tourism and Ports.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

I rise to lay before this honourable House, the Ministry of Tourism and Ports' Annual Report for the year ended 31st December, 2023.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Kenneth V. Bryan: Mr. Speaker; just shortly to highlight the fact that this report has some elements of public transport.

The honourable House may recall that for the first year and a half of this Administration I was the Minister for Transport, before it was passed on to Honourable Minister [Johany] Ebanks; Members should note that.

Also to say thank you to the team, on behalf of my Ministry, for their hard work over the last three years.

The Speaker: Very well.

**The Health Insurance Commission
Annual Report 2022 in Review –
1st January–31st December 2022 - Issue No 16**

The Speaker: I recognise the Honourable Minister for Health and Wellness.

Hon. Sabrina T. Turner, Minister of Health & Wellness and Home Affairs, Elected Member for Prospect: Thank you, Mr. Speaker.

I rise to lay on the Table of this most honourable House, the Health Insurance Commission's Annual

Report 2022 in review of the 1st January–31st 2022 – Issue No 16.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Sabrina T. Turner: Briefly.

Mr. Speaker, in accordance with Section 11(4) of the Health Insurance Commission Act, 2016, I am pleased to present to this honourable House, the Annual Report for the Health Insurance Commission, an audited financial statement of the Segregated Insurance Fund for the 12-month period ending the 31st December, 2022.

The Cayman Islands Health Insurance Commission is an oversight body given the authority, under the Health Insurance Commission Act (2016 Revision), to monitor and regulate the nation's health insurance industry. The functions of the Commission include the assessment and monitoring of premium rates; monitoring the conduct of approved insurers; resolving complaints, and advising the Minister on matters relating to health insurance, including advice on amendments to the Health Insurance Act and Regulations.

Mr. Speaker, during 2022 six external outputs were successfully delivered on behalf of the Health Insurance Commission, namely:

- the health insurance complete Regulations;
- administration of the segregated insurance fund and the number of insured persons;
- public education campaign focused on health insurance;
- enforcement of health insurance legislation;
- provision of the policy advice and reports to the Health Insurance Commission and the Ministry of Health and Wellness; and
- on-site inspections.

Accordingly, Mr. Speaker, in 2022, the Health Insurance Commission handled 4,581 inquiries which included policy terminations, high risk applications, individual reports, complaints and applications related to the Premium Payment Assistance Programme. Approximately 58 per cent of that number, meaning 2,672 inquiries, were either resolved or closed.

Since 2006, the Health Insurance Commission has been responsible for administering the collection and contributions from the approved insurers for the segregated insurance fund. That has a primary function, defraying the cost incurred for providing medical care to indigent persons. The monthly contributions of each policyholder— \$10 from individuals with no dependents and \$20 from those with dependents— are collected as coercive revenue and deposited into the Ministry of Health and Wellness' executive revenue bank account.

Mr. Speaker, in 2022, drafted financial statements as of the 31st December, 2022, submitted to the Office of the Auditor General on April 11th, 2023 in accordance with Section 61(a) of the Public Management and Finance Act (2020 Revision), achieved an unqualified audit, meaning that the financial statements present fairly in all material aspects. It was noted that the total revenue collected by the segregated insurance fund's from approved providers during the year 2022 was \$6,143,636 compared to \$5,617,740 for the period ending the 31st December, 2021. Expenses representing audit fees for 2022 total \$8,000, therefore, the surplus for the 12-month period ending the 31st December, 2022 was \$6,135,636.

Mr. Speaker, it is important to mention that the net assets of the funds are always zero as all of the funds collected, less the operating expenses, are deposited in the Ministry of Health and Wellness' executive revenue account; as a result, no funds remain for actual investment.

Regarding the number of insured persons, Mr. Speaker, the Health Insurance Commission reported a significant increase throughout the year. Starting at 69,565 persons back in January of 2022, and ending at 74,586 persons in December 2022, based on the information submitted by the eight approved health insurance providers.

As part of our commitment to provide high quality health care services to all of our people, Mr. Speaker, we are also closely monitoring the medical indigent persons through the National Health Insurance system's database, which is maintained and monitored by the Health Insurance Commission based on information provided by the Department of Children and Family Services.

As of 31st December, 2022, there were 1,959 medical indigent persons consisting of 795 persons considered as temporarily needing assistance; with the remaining 1,164 persons classified as needing assistance permanently or indefinitely. The last report, as of March 2024, showed a total of 2,133 medical indigent persons.

Along with continuing to educate the public and provide essential information regarding health insurance and its governing legislation through the DHRS [Department of Health Regulatory Services] website, newspaper articles, and radio announcements; in 2022, the Health Insurance Commission also promoted the Premium Payment Assistance Programme which concluded on June 30th, 2022.

Mr. Speaker, you will remember that one of the many measures taken by the Ministry of Health and Wellness in our efforts to assist those affected by the economic impact of COVID-19, was to assist displaced tourism and hospitality industry workers via the coverage of their health insurance premiums through the Premium Assistance Programme. From February 2022, until the programme concluded in June 2022, 4,089 persons benefited from that at a cost of

\$427,123.31— an investment in the physical and mental health of our people during a very trying time for all, Mr. Speaker.

To ensure that all medical insurance companies are meeting the prescribed conditions, the Health Insurance Commission is issuing approved insurer certifications each year, based on complete applications. In 2022, from the applications submitted, three received conditional letters and subsequently complied with the conditions; by the end of 2022, all eight applications were approved for the year 2023.

Mr. Speaker, the Health Insurance Commission receives professional advice on the procedure, methodology and best practice that could be applied to enhance the monitoring of the eight approved insurers' financial performance; therefore, one of the requirements for health insurers to obtain the renewal of their approved insurer certificate is to complete the revised financial performance report template. The aggregate health insurance industry figures for the reporting period 2021 and 2022 showed significant difference in the net profit and loss, from less than \$1 million in 2021, to more than \$16 million in 2022.

In an effort to ensure that all health insurance contracts complied with the benefits required under the Standard Health Insurance Contract, the Health Insurance Commission inspectors carried out on-site inspections. The Health Insurance Commission is also responsible for regulating and monitoring the standard premium rate of the Standard Health Insurance Contract (SHIC). In this regard, during 2022 the Health Insurance Commission did not receive any applications from the approved insurers to increase the premium rates.

As a government entity, the Health Insurance Commission also abides by the Freedom of Information Act (2021 Revision) having the obligation to process and release information requests. During 2022, the Health Insurance Commission received four such requests and all were processed, closed and updated in the JADE system.

In closing, Mr. Speaker, I would like to recognise the Health Insurance Commission's achievements in 2022, and publicly thank the Health Insurance Commission and the Department of Health and Regulatory Services staff for their hard work and commitment. I would also like to invite the Members of this honourable House to review the Health Insurance 2022 Report in more detail.

As the Chairman of the Health Insurance Commission and the Director of the Department of Health and Regulatory Services rightly note in their opening message, *"Patients deserve a high level of quality healthcare service and it requires all stakeholders in the health care and health insurance sectors to work together."* [UNVERIFIED QUOTE]

Mr. Speaker, I would like to acknowledge the contribution of the Health Insurance Commission in this regard, and assure this honourable House that the

Ministry does not only share this sentiment, but also the efforts in achieving this greater goal.

Thank you, Mr. Speaker.

The Speaker: Thank you. Madam Clerk.

**National Drug Council Cayman Islands –
Celebrating 25 Years – 2023 Annual Report**

The Speaker: I recognise the Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner: Thank you, Mr. Speaker.

I rise to lay on the Table of this honourable House, the National Drug Council Cayman Islands – Celebrating 25 Years – 2023 Annual Report.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Sabrina T. Turner: Very briefly.

Thank you, Mr. Speaker.

In accordance with Section 24(3) of the National Drug Council Act (2010 Revision) and Section 52(8) of the Public Management and Finance Act (2020 Revision), I wish to lay on the Table before this honourable Parliament the Annual Report covering the period of 1st January, 2023 until the 31st December, 2023. The annual report, signed off by the Office of the Auditor General on April 29th, 2024, showcases the meaningful work carried out by the National Drug Council (NDC), and received a clean opinion from the Office of the Auditor General.

For those who do not know, the National Drug Council is a statutory body that was established to co-ordinate anti-drug measures. Its functions are diverse and include policy surveillance, education, monitoring and evaluation. The year 2023 was very special for NDC because January 27th, 2023, marked its 25th anniversary, Mr. Speaker. During this milestone year, the National Drug Council achieved many successes, such as:

- delivered over 585 presentations to audiences across our Islands;
- successfully engaged with 1,362 students across 17 schools through virtual activities for the Healthy Body, Healthy Minds campaign, which promotes holistic wellbeing among the youth by addressing the interconnected facets of physical, intellectual, nutritional, social and mental health and is in its third consecutive year.
- hosted 1,750 high school students across 13 schools in virtual activities for the 13th Annual National Drug & Alcohol Facts Month. The sessions were developed to challenge misconceptions surrounding substance use and equipped young

people with the knowledge and tools to make informed decisions.

- Expanded the Youth to Youth Programme by adding a new chapter at a private school. This was made possible by successfully implementing the Youth to Youth adult leader training module.
- certified over 100 individuals in the alcohol industry through TIPS [Training for Intervention Procedures] off premises and on-site training sessions.

Mr. Speaker, the Council's achievements are even more admirable considering their limited resources. In 2023, the National Drug Council operated with seven employees and a Board of 13 Cabinet-appointed members.

Mr. Speaker, the National Drug Council success extends into their financial management. The Council was forecasted to have a \$2,000 deficit in 2023. Thanks to higher than expected donations and a reduction in operating costs, the Council was able to end the year with a surplus of \$12,000. Notwithstanding the stellar work produced by the Council, there are challenges; funds can only go so far, and there is always more work that can be done to benefit our community.

Mr. Speaker, I would like to take this opportunity to express the appreciation to the Chair of the Council, the board, management, volunteers and the NDCs Acting Director, Miss Brenda Watson for producing these reports.

In closing, Mr. Speaker, the Council has satisfied its mandate and obligations as stipulated in the purchase and ownership agreements executed under my Ministry during this financial period.

Thank you, Mr. Speaker.

**Deferred: Cayman Islands Central Planning
Authority & Development Control Board –
2022 Annual Report**

The Speaker: Honourable Minister, I believe you intend to defer the laying of that Report. If so, please move the Motion.

Hon. Johany S. Ebanks, Minister of Planning, Agriculture, Housing, Infrastructure, Transport and Development, Elected Member for North Side: Mr. Speaker, that is correct. We would like to defer that report until another sitting.

The Speaker: Move it as a Motion.

Hon. Johany S. Ebanks: Mr. Speaker, I would like to move a Motion for the Cayman Islands Central Planning Authority & Development Control Board - 2022 Annual Report to be deferred to another Sitting.

The Speaker: The Motion is that the report entitled the Cayman Islands Central Planning Authority & Development Control Board - 2022 Annual Report be deferred to a subsequent Sitting of the House.

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

AYES.

The Speaker: The Ayes have it.

The Cayman Islands Central Planning Authority and Development Control Board - 2022 Annual Report is deferred to another Sitting of this House.

Agreed: Deferred.

Ministry of Border Control & Labour - Cayman Islands Government - Annual Report 2023

The Speaker: I recognise the Honourable Minister of Border Control, Labour and Culture.

Hon. Dwayne S. Seymour, Minister of Border Control, Labour & Culture, Elected Member for Bodden Town East: Thank you, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable House, the Annual Report of the Ministry of Border Control & Labour for the financial period ending 31st December, 2023.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Dwayne S. Seymour: Yes, Mr. Speaker.

The Speaker: Please proceed.

Hon. Dwayne S. Seymour: Mr. Speaker, I continue to be impressed with the efficiency and professionalism displayed by the Ministry. The Auditor General issued another unqualified or "clean" audit opinion on the financial statements for the Ministry for the period; a testament to the hard work of the Ministry and its departments. The annual report contains a wealth of information on the activities and achievements of the Ministry for 2023, and forward-looking goals and objectives for 2024.

Mr. Speaker, in 2024, the Ministry further expanded with the acquisition of the Ministry of Culture and the Cayman Islands Postal Service, broadening the Ministry's scope of responsibilities and underscoring our commitment to serving our citizens comprehensively. The annual revenue for 2023 fiscal year stood at \$243 million across the Ministry. In regards to the Ministry's labour force, there were a total of 434 employees with 268 working for Customs and Border Control Services (CBC); 23 working for the Department of Labour and Pension (DLP); 130 are working at the Workforce Opportunities and Residency Cayman (WORC); and 23 in the core Ministry itself.

Customs and Border Control Services

On the 1st February, 2024, CBC celebrated its fifth anniversary. During the 2023 fiscal year the dedicated and hardworking staff of CBC processed over 1.3 million persons arriving via air, 2.5 million cruise passengers and 261,300 import declarations. A continued focus on bolstering national security, while maintaining the integrity of our air and sea ports, allowed for the interception of illicit drugs; firearms and ammunitions resulting in almost 100 arrests, and the processing of 82 migrants.

Workforce Opportunities & Residency Cayman (WORC)

Mr. Speaker, WORC embraced the theme of improving quality of service through enhanced performance.

With this goal in mind, WORC offered a total of 55 staff training initiatives in support of professional development and completed recruitment of three staff into new roles; as well as promoted six staff in key organisational positions inclusive of a permanent senior leadership team— comprising the Director and two new Deputy Directors— having responsibility for business operations and compliance. Further improvements to WORC's quality of service and branding was evidenced with the introduction of their new website www.worc.ky.

Mr. Speaker, with continued focus on compliance and enforcement, the WORC investigative compliance team conducted 537 investigations resulting in \$455,255 in fines— a 16 per cent increase compared to the previous year. WORC law enforcement officers participated in 17 joint operations with other law enforcement agencies, highlighting their commitment to social justice and fair opportunities for Caymanians.

Department of Labour and Pension

Mr. Speaker, the Department of Labour and Pension's focus has been streamlining the adjudication process with the appointments of new Labour Appeals Tribunal board members. Legislative changes were also completed to the National Pensions Act with the aim of addressing the rising cost of living and improving the overall quality of life for Caymanians. Noting the global increase in inflation and interest rates, these legislative changes allow Caymanians to utilise their pensions for property and related purposes.

Lastly, bearing the aforementioned economic circumstances in mind, effective the 1st July, 2023, after consultation with the National Pensions Board, the Director of DLP took the decision to increase the retirement benefit pay-outs and announced that the annual disbursements of funds under retirement savings arrangement had risen from \$12,900 to \$14,125 per annum— a 9.5 per cent increase.

Mr. Speaker, I am thankful to all the staff within the Ministry and the Departments of CBC, WORC and DLP for their unwavering dedication and commitment to the service of the Cayman Islands. Their hard work has contributed to bolstering national security, supporting economic resilience and contributing to fiscal prosperity.

Mr. Speaker, I will now present the forward-looking aspects of our annual report and the Ministry's current work highlighting some of the crucial amendments and initiatives that will shape our immigration, border control and labour policies for the betterment of our beloved Cayman Islands.

Amendments to the Immigration (Transition) Act

We are at the tail end of drafting significant amendments to address the overwhelming concerns that too many individuals qualify to become Caymanian too quickly. Key provisions include the qualification period for naturalisation; we are extending the period that an individual must be married to a Caymanian before they can qualify for naturalisation. We are also working to increase the period in which persons must remain married before they can become Caymanian. These changes will help to ensure that only those with genuine long-term commitments can attain Status.

Post-marriage PR limitations

We are introducing provisions to limit criteria on which individuals can continue to possess Permanent Residency if their marriage to a Caymanian or PR holder ends.

Civil servant term limits

We are working to include provisions for term limits for those employed by the Government under the term civil servant, bringing parity between the Civil Service and the private sector as it relates to roll-over. This portion of the work has been paused to allow the Honourable Deputy Governor to study the impact of term limits on the Civil Service and propose recommendations on mitigations.

Information sharing and disclosures

We will allow disclosures and information share of reports between key Government departments and the WORC Department to ensure comprehensive and robust information. This will ensure that all relevant considerations, including administrative fines, arrests and convictions are known to the decision-makers when reviewing applications— Mr. Speaker, we aim to remove those individuals on work permits who are breaking our laws and committing increasingly serious offenses.

Permanent Residency Points Review Committee

The Permanent Residency Points Review Committee is finalising work on the PR Points committee to ensure that fewer people qualify for PR and that those who do are making positive, lasting contributions to the Cayman Islands.

Amendments to the Labour Act

Turning my attention to labour, I will soon seek support from my Caucus and Cabinet colleagues to draft amendments to the Labour Act which will improve maternity and paternity leave, enhancing leave provisions to support families. It will also empower the Department of Labour and Pensions and grant additional powers to staff to administer fines and prosecute offenders effectively.

Minimum wage recommendation

Now, let's look at the minimum wage recommendation, Mr. Speaker. The Minimum Wage Review Committee produced a solid report, and since the report was issued for public review and consultation, my colleagues and I have received vigorous representation of concerns from Caymanian employers and small businesses about the impact of minimum wage increases amid high inflation and the already high cost of living and cost of doing business in the Cayman Islands. In response, my Cabinet colleagues are advocating for sectoral recommendations for minimum wage increases to balance economic sustainability with fair wages. We should hear more about that later.

Mr. Speaker, we will continue to modernise Customs and Border control legislation. This includes provisions for increased and additional administrative fines, ensuring our brave CBC officers are well equipped and empowered to protect our borders, collect tariff revenue and deliver improved customer service.

Finally, Mr. Speaker, we will announce our plans for the re-energised and improved Pirates Week Festival in the coming weeks. We are also excited about opening nominations for our beloved National Heroes' Day. I'm always elated to see the pride in all things Caymanian come out during the National Heroes Day awards ceremony and celebrations. The 2025 Heroes Day celebration theme will be "Celebrating the Icons of Business and Entrepreneurship: A tribute to Caymanian business ingenuity, creativity, successes, hard work, innovation, and leadership"— and we have many to celebrate there.

Mr. Speaker, these forward-looking measures reflect our commitment to safeguarding the interests of Caymanians while fostering a fair, secure and prosperous Cayman Islands.

Thank you and this esteemed Parliament for your support; as we progress with these vital initiatives,

I am eager to continue to work with the team to build on the achievements of 2023.

Mr. Speaker, I thank you.

The Speaker: Madam Clerk.

**Ministry of Youth, Sports, Culture & Heritage -
Cayman Islands Government –
Annual Report 2023**

The Speaker: I recognise the Honourable Minister of Youth, Sports and Heritage.

Hon. Isaac D. Rankine, Minister of Youth, Sports, Culture & Heritage, Elected Member for East End: Thank you, Mr. Speaker. I beg to lay on the Table of this Parliament, the Annual Report for the Ministry of Youth, Sports, Culture and Heritage for 2023.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Isaac D. Rankine: Just briefly, sir.

Mr. Speaker, in accordance with section 52(8) of the Public Management and Finance Act (2020 Revision), it is my honour to present to this esteemed honourable House the Annual Report and Audited Financial Statements of the Ministry of Youth, Sports, Culture and Heritage for the fiscal year ending on December 31st, 2023.

The Ministry of Youth, Sports, Culture and Heritage, now known as the Minister for Youth, Sports and Heritage, is responsible for providing strategic and policy direction, advice, funding and governance support to its departments, units and statutory authorities. The following departments, units and statutory authorities under the Minister are: Youth Services Unit, the Department of Sports, the National Gallery of the Cayman Islands and the Cayman Islands Museum.

Mr. Speaker, the Ministry has four priorities that are the foundation of its work and the driving force behind its initiatives. These are talent identification and development; enhancing and empowering our youth; awareness and preservation of culture and heritage, and promoting an active and healthy lifestyle for all.

I am also pleased to report, Mr. Speaker, that the Minister received an unqualified opinion from the Auditor General on its financial statements for the year ended 31st December, 2023.

I wish to extend my deepest appreciation to the Ministry, the Chief Officers, Deputies, Heads of Departments, the entire team of the Ministry of Youth, Sports and Heritage; and also, to the past Minister, now Parliamentary Secretary to the Ministry, Mr. Bernie Bush, for the work that they've done. Their tireless dedication and unwavering commitment, across a wide range of subject areas, yielded impressive results.

I encourage all Members of the House and the listening public to delve into the report and discover the Ministry's impactful work in detail.

Thank you, Mr. Speaker.

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

The Speaker: Madam Clerk, Members: I wish to say something about this troubling matter.

This Meeting of the House was originally called for the 5th of July; therefore, Parliamentary questions were required to be submitted ten days in advance thereof; because of the hurricane, this Meeting had to be postponed to start yesterday, the 22nd of July. That means Ministers and their Ministries and departments have had 28 days to produce answers to the 19 parliamentary questions which were submitted. Yesterday we had two answers, and no other answers have been submitted.

This Parliament meets very infrequently. It is absolutely abhorrent to democracy for Ministers not to be in a position to answer questions asked of them. It is a critically important part of the whole parliamentary scrutiny. This Meeting is unlikely to last beyond this week, therefore, I'm urging Ministers to do whatever they can to ensure that answers are submitted, so that the Parliament can carry out its critically important role as scrutineers of the executive.

Madam Clerk.

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

The Speaker: I received notice and approved the delivery of two statements by the Honourable Minister for— he's got so many subjects— Planning, Agriculture, Housing, Infrastructure, Transport and Development.

**Hon. Johany S. Ebanks
Supplementary funding for NiCE**

Hon. Johany S. Ebanks: Mr. Speaker, thank you.

Mr. Speaker, Honourable Members of Parliament: This is a statement on the supplementary funding for the 2024 National Community Enhancement project, (NiCE).

On the 21st March, 2024, under Section 11(5) of the Public Management and Finance Act (2020 Revision), Cabinet approved \$450,000 in supplementary funding for the 2024 National Community Enhancement Project (NiCE). That was implemented between 8th and 19th April, 2024.

This saw an increase for Fiscal Year 2024 Appropriation PAH 4 – Management of Public

Recreational Facilities and Cemeteries to the Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development in the amount of \$450,000. Thank you.

Supplementary funding for Hurricane Beryl preparation and recovery efforts

Mr. Speaker and honourable Members of Parliament on the 8th July, 2024, under Section 11(5) of the Public Management and Finance Act (2020 Revision), Cabinet approved \$250,000 in supplementary funding for Hurricane Beryl Preparation and Recovery Efforts. This will see an increase in Transfer Payment 76 – Assistance for Infrastructure Development by \$250,000 for the 2024 Financial Year.

Thank you, Mr. Speaker.

The Speaker: Madam Clerk.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

Tribute to Mr. Donovan Ebanks, MBE

The Speaker: Honourable Members, on Sunday, 2nd June, 2024, the late Mr. Donovan Ebanks, MBE, JP, former Deputy Governor of these Islands was called to higher service at the age of 72; as Deputy Governor he was an ex-officio Member of this Parliament.

Mr. Ebanks left deep footprints on the sands of time in these Islands. He was an exemplary civil servant who served his beloved country for more than 37 years, beginning in 1975 as an engineer at Public Works and rising through the ranks to become Deputy Chief Secretary in 1994; Chief Secretary in 2009, and— following the enactment of the 2009 Constitution in November 2009— the first Deputy Governor and Head of the Civil Service.

Over the years, Donnie, as most of us called him, played pivotal roles in the development of many key policies and government agencies and in the improvement of governance generally. His work over the decades in the establishment of the National Hurricane Committee and its successor, Hazard Management Cayman Islands, is but just one of countless examples of his vision and leadership acumen. This Parliament accorded him the honour of a Lying-in-State on June 21st as a way of both recognising his lifetime of public service and offering our respect for his steadfast leadership.

Today, as Speaker, I wish to formally record in the *Hansard* of this House our deep regret and sorrow on his passing. On behalf of this Parliament, I extend

and renew condolences to his children, Josh and Maggie, who are here with us this morning, all members of his family and to his many friends and former colleagues across the Public Service.

May his soul rest in peace.

Does any other Member wish to offer a tribute or condolences? The Honourable Acting Deputy Governor.

The Acting Deputy Governor, Hon. Gloria McField-Nixon: Thank you, Mr. Speaker.

Mr. Speaker, I stand to offer a tribute to the Cayman Islands' last Chief Secretary and its first Deputy Governor and Head of the Civil Service, Mr. Donovan Ebanks.

In his lifetime, Mr. Ebanks achieved great heights, but of all his professional accolades he held dearest to the title of servant leader. Mr. Ebanks has left a large and enduring legacy that will continue to make lives better for the people of these Islands for many generations to come.

As a fully qualified engineer, Mr. Ebanks began his career in the Public Works Department (PWD). He held a deep respect for the men and women within the PWD whose toils heralded the start of Cayman's modern roadways and government buildings. He was a strong advocate for the education and advancement of young Caymanians and many saw their careers, whether in the public or private sector, commence with a stint at PWD under Mr. Ebanks' stewardship, as he rose through the ranks to become the Head of Department. His upward trajectory continued with his promotions to Deputy Chief Secretary and later, Chief Secretary in 2009; and as you noted, Mr. Speaker, ultimately becoming the country's first Deputy Governor following constitutional modernisation.

During his career, he delivered numerous transformational projects which continue to pay dividends to this day. Gleaned from his years of experience, including serving as the Chair of the then National Hurricane Committee and seeing the Cayman Islands people safely through hurricane Ivan's brutal assault on Grand Cayman in 2004, Mr. Ebanks was determined to mature the institutions that support our disaster preparedness and national resilience. He therefore established Hazard Management Cayman Islands, establishing for the first time dedicated resources to coordinate Cayman's disaster management.

As a former Head of Department himself, Mr. Ebanks advocated for accountability and internal empowerment of Civil Service leaders, including the ability to hire and fire. He was a staunch advocate for HR reforms that gave way to our current Public Service Management Act, a Law that has long stood as a transformation standard bearer among Overseas Territories and beyond.

In 2010, to support fledgling bodies born out of Cayman's 2009 constitutional reforms, he established the Commissions Secretariat which provides the

operational arm to the institutions supporting democracy, namely, the Human Rights Commission, Standards in Public Life, Anti-Corruption Commission, Judicial and Legal Services Commission, Constitutional Commission and Civil Service Appeals Commission.

His career over the years has been marked by dedicated public service and significant contributions to the governance and development of the Cayman Islands. It was, therefore, not surprising when his distinguished service was recognised in 1994 with an award from the late Queen Elizabeth II, to him, as a Member of the Order of the British Empire during her visit to the Cayman Islands.

Though he was cloaked in awards and accolades, in his daily life Mr. Ebanks epitomised humility and frugality, always demonstrating a keen regard for the people we serve whose contributions feed the public purse. At his funeral, our Premier, the Honourable Juliana O'Connor-Connolly, shared a most fitting excerpt of the poem *"If"* by Rudyard Kipling, which with your indulgence, I will expound.

**"If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,
And yet don't look too good, nor talk too wise:**

**If you can dream—and not make dreams your
master;
If you can think—and not make thoughts your aim;
If you can meet with Triumph and Disaster
And treat those two impostors just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build 'em up with worn-out tools:**

**If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the will which says to them: 'Hold on!'**

**If you can talk with crowds and keep your virtue,
Or walk with Kings—nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my son!"**

In his lifetime, Mr. Donovan Ebanks gave of his talents, led by example, and served as a shepherd to successive generations of public servants who would follow. Even when sickness proved a dogged foe, Mr. Ebanks found the strength and time to inquire about the wellbeing of others, to lend words of encouragement and when he thought so necessary to offer a loving rebuke.

So many who worked with him, loved and admired him, not for flowery words, but for what he stood for as a leader: his unwavering commitment to stand by his ideals, even when they were not in vogue, his compassion during time of struggle and his pragmatic approach to things large and small. Personally, I credit his leadership, empathy and stewardship for my continued path within the Public Service, and I know so many anecdotes, that the same is true for many other civil servants.

Our current Deputy Governor, the Honourable Franz Manderson, has on many occasions acknowledged the mentorship that Mr. Ebanks provided as being so impactful on his own career. Our current Director of Prisons, Mr. Daniel Greaves is forever grateful for how Mr. Ebanks brought prominence and self-worth to the prison service during a period when it was desperately needed.

Mr. Ebanks leaves behind two amazing children who are with us here today; Maggie and Josh Ebanks continue to do their father proud. It is clear that the very best of Mr. Ebanks is imprinted on these two fine young persons who demonstrate his trademark wit, humility and strength of character. To them I say, *"Thank you for sharing your dad."*

We, the members of the Civil Service and, indeed, the wider public service with whom he worked so closely, are forever grateful for the life, career and example of our first Deputy Governor, Mr. Donovan Ebanks.

[Desk thumping]

The Speaker: Most fitting. Does any other Member wish to speak? The Honourable Acting Premier.

Hon. André M. Ebanks, Acting Premier, Minister of Finance & Economic Development and Investment, Innovation, and Social Development, Elected Member for West Bay South: Good morning, Mr. Speaker.

The Premier has asked me to read this poem in her absence. It's by Alfred, Lord Tennyson:

**"Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea,**

**But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless
deep**

Turns again home.

**Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;**

**For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar."**

From the Premier.

On a personal note, Mr. Speaker, I never had the pleasure of working with Mr. Donnie professionally, but I knew him in the community. He and my father were both from the class of 1969 and anybody who is aware of the 69ers, they're a pretty tight group. Mr. Donnie lived across the street from my aunt-in-law, and every time I saw him, he always gave me lessons in terms of professionalism, how to carry yourself, how to take in feedback from other persons, how to be diplomatic and how to be an upstanding citizen. For those life lessons, I thank him and I can see that he has passed us on to his children. May he rest in peace.

The Speaker: The Honourable Leader of the Opposition. I repeat, it's much easier if you stand in your place, then I can see you. I don't see very well.

[Laughter]

Hon. Roy M. McTaggart, Leader of the Opposition, Elected Member for George Town East: Fair enough, neither do I, sir.

[Laughter]

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Mr. Speaker, and good morning to everyone.

I do believe it is truly appropriate that we take this time to remember and honour Donovan Ebanks' life and celebrate the rich legacy that he has left behind—the Acting Deputy Governor so ably demonstrated that in her discourse and remembrance of him.

Donnie was a man of exceptional dedication and service who made a significant and positive impact on the Civil Service and on our community. Throughout his decades' long career, he had an unwavering commitment to Public Service, to his fellow civil servants and to the Cayman Islands that he loved so dearly.

To Donnie's family, friends and all who knew him, on behalf of the Official Opposition, I offer our deepest and most sincere condolences to you all. I hope that you can find comfort in the memories of his remarkable life, and the knowledge that his legacy will continue to inspire.

Rest in peace, Donnie. Your service and dedication will never be forgotten and your spirit will forever remain a part of the Cayman Islands and in all of our hearts.

Thank you, Mr. Speaker.

The Speaker: Honourable Member for West Bay [North].

Mr. Bernie A. Bush, Elected Member for West Bay North: Mr. Speaker, thank you.

Most people will not remember a basketball team called the Marlins. Charlie Farrington and Donnie were stalwarts of that basketball team back in the day so, from the sports' side of society, I would also like to remember Donnie as a hard playing basketball player.

Mr. Speaker, I would also like to remember Mr. Riley Ebanks who died on the 18th at 103 years old. On behalf of my colleagues, I'd like to offer his family condolences and wish him well on the next journey into heaven.

Thank you, Mr. Speaker.

The Speaker: The Honourable Minister for Planning.

Hon. Johany S. Ebanks: Mr. Speaker, on behalf of the people of North Side, I offer our deepest condolences to the family of the late Deputy Governor, Mr. Donovan Ebanks. We all share in the sadness. We are mourning not just a great leader, but also a respected member of our community.

Mr. Speaker, the last two months have been very hard for us, the people of North Side, our hearts are heavy as we think about the loss of four important members of our North Side community. These individuals are Mrs. Darleen Dixon; Mr. David Whittaker, better known to us as Mr. Jimmy; Mr. Rodney Rivers and Mr. Donovan Ebanks.

May their souls rest in peace.

The Speaker: Does any other Member wish to speak? The Minister for Sports.

Hon. Isaac D. Rankine: Thank you, Mr. Speaker.

Mr. Speaker, I, too, wish to extend my condolences and I would like to share a few words about the late Donovan Ebanks, former Deputy Governor of the Cayman Islands. I used to call him Mr. Donnie.

Much has already been said and Mr. Speaker, it was my honour and privilege to have known him. I first met him in Public Works in 1984 while I worked there for a short period. Based on his stature and the deep voice that he possessed, I could see then that he was someone that was respected and, despite his strong approach, I found him to be someone I could always go to and speak freely with. He always gave good advice and guidance to me, and personally encouraged me with furthering my education, for which I am most

grateful, even though it wasn't in the field that he was encouraging me to go in.

He was, in all instances, an outstanding man and a remarkable civil servant who paved the way and set an example for many to follow. He made a significant difference in the lives of many, and I'm sure his memories will live on with us. He will be missed by the entire Civil Service and the Cayman community. Again, on behalf of my entire Ministry for Youth, Sports and Heritage, our deepest condolences and prayers are with his entire family as they continue to mourn his passing.

Mr. Speaker, I would also like to publicly express condolences on behalf of myself and the entire district of East End to a few families in the district, and also beyond, who are mourning the passing of their loved ones. Our district is in mourning for Mrs. Evangeline Rankine, a past educator; Ms. Melrose Flashey, Ms. Grashala Solomon, Mr. Trevor Watler, Ms. Pamela 'Mellie' Dixon, and within the last week, Miss Gilda Thompson and Ms. Gloria Tatum. May their souls rest in peace and light perpetual shine on them.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister. Does any other Member wish to speak? The Minister for Tourism and Ports.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

I was going to wait till we got to the second part of the obituaries, but I see that we have naturally segued into it. With that being said, Mr. Speaker, I too want to pass on my condolences to the family of the late Donovan Ebanks.

It's never easy to lose a leader, father, a friend, a brother, son, particularly when they are so effective in life, but I am happy to say that Mr. Donovan was such a strong individual that he's left a strong imprint in his children. The little that I got to interact with him, I still feel like I get a sentiment of that when I speak to his daughter or his son, and particularly with his son growing that strong voice, quite similar to his father. If I feel the need to remember, I can just reach out to his son and I can feel those happy memories again, so my condolences to the family.

Mr. Speaker, I would also like to take this opportunity to highlight a few recent passing in my constituency. It hasn't been easy over the last couple of weeks for many family members, brothers and sisters; so I want to take this opportunity to give the necessary condolences and respect to those members, one of whom was just recently mentioned by the Minister for Sports— Mrs. Gloria Tatum. I want to pass on my condolences to her children, Danny, Terry, Katherine and Michelle and her many grandchildren.

Also, as recently as Friday of last week, a former civil servant and a strong member of the George Town community, Miss June Meredith McField. Her mother, Miss Mavis Morris is a very special person to

me and I want to pass on my condolences to her, June's siblings and her two children. I think I would share the viewpoint, on behalf of the Acting Deputy Governor, that she was a committed civil servant and gave her life to this country.

Unfortunately, Mr. Speaker, we lost another Member of our community on Wednesday, 17th July—a young heart by the name of Maleka Savannah General. My condolences to her mother, Melanie General; her grandmother, Ms. Marietta General, her many cousins, aunts, sister, and her beautiful child of such a young age.

My condolences also, Mr. Speaker, to the Martin family as they recently lost their beloved sister and daughter, Miss Theresa Martin. Condolences go out to Mr. JD Martin, who was a father; siblings, three brothers, two sisters and his children, two sons and one daughter.

Mr. Speaker, lastly, I want to send condolences to the Manzanares family with the recent passing of Miss Darleen Manzanares. Respect and condolences go out to her mother, her two children and her many siblings, one of whom was a Member of Parliament, the Honourable Alfonso Wright. I pray that the Lord gives them the strength and the patience and understanding to get through this very difficult time with the loss of their loved ones.

The Speaker: Thank you, Minister. The Honourable Minister for Labour.

Hon. Dwayne S. Seymour: Thank you, Mr. Speaker.

I had the pleasure of meeting Mr. Donny, as I affectionately knew him, in the eighties when he was at Public Works and I was seeking to advance my career and dreams of becoming an architect. I don't know why I never continued on that route.

[Laughter]

Hon. Dwayne S. Seymour: He really tried with me. I was enrolled in a programme in a college in Pennsylvania and needed some encouragement and apprenticeship, and I went to meet with Mr. Donnie, who gave me some great advice at the time and even gave me a project to do as an apprentice with Public Works. I was working somewhere else, but I would go there in the afternoons and visit with him. He gave me a mock drawing of the Spotts' facility dock to do—the one you see at Spotts' dock. Of course, he didn't take my rendition, but I appreciated his encouragement and will be forever grateful. So I want to publicly offer my condolences. God bless his daughter, his son, and the rest of the family.

Also Mr. Speaker, I'd like to express my condolences to the family of Mr. Riley Ebanks in West Bay, which I'm very close to; and all the other Bodden Town families who have lost loved ones.

To the family of Mr. Bendel Hydes— his brother, Tristan Hydes, works with Government as a Deputy Chief-Officer. We had a memorial for him on Saturday; he was a founder of the National Cultural Foundation and the National Gallery and I want to, again, record my public condolences.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister. The Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: I thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to join in tribute to the late Mr. Donovan Ebanks, Donnie as we affectionately knew him. I had the pleasure of working with Donnie in the Civil Service and spent time in Parliament and in Cabinet. I think it is common knowledge that he has left an indelible footprint on our road networks and our Civil Service; in matters of hurricane and disaster preparedness and management in general and, I dare say, matters of Little League.

He was very passionate in his job. He was a visionary, Mr. Speaker, and he was always in a mind-set to bring about well-needed reforms in the Public Service. He was a very deep thinker, very contemplative and very deliberate in carrying out his duties, yet, he was an uncomplicated person.

He was a colleague, Mr. Speaker, for whom I had a lot of time and much admiration. He was understandably the proud father of two beautiful, smart and dignified children, Josh and Maggie, through whom I am confident that his legacy will live on. He went way too soon, but may his soul rest in peace.

The Speaker: Thank you, Honourable Attorney General. Does any other Member wish to speak? Member for Savannah.

Hon. Heather D. Boddan, Deputy Speaker, Elected Member for Savannah: Thank you, Mr. Speaker.

I, too, rise to take this opportunity to offer sincere condolences to the family of the late Donovan Ebanks, Cayman's first Deputy Governor.

Donnie, as he was affectionately known, was very loved and respected, and I'm proud to say he was a North Side cousin of mine. Although from North Side, he lived most of his life in Savannah. He loved his community and was always ready and available to give whatever assistance he could. Whether his involvement was to provide help on clean up days, Donnie was there. He would frequently stop by the community office to tell us what he witnessed down the road. He was deeply concerned for those who drove too fast, and often stopped them to give them a word of advice to slow down.

Donnie was very passionate and he cared for all. He and Annie raised two very loving and respected children, Maggie and Josh, who are here with us today.

They are deeply loved and they know that they're almost like my own children. I'm also happy to see that their helper of thirty-nine years, Miss Cecile, has joined them; she's been a dedicated and loving helper to Donnie for many years. He left a deep legacy from Maggie and Josh and they deeply loved him. He was the dad many wish they had.

Our community of Savannah deeply miss him; rest in eternal peace, Donnie. I also take this opportunity to send out heartfelt condolences to all others who have recently lost loved ones in the community of Savannah.

Thank you, Mr. Speaker.

The Speaker: The Member for George Town South.

Ms. Barbara E. Conolly, Elected Member for George Town South: Thank you, Mr. Speaker.

I, too, rise today to extend my heartfelt condolences and that of my family and, indeed, my constituents of George Town South to Maggie and Josh and their entire families, on the passing of their dear father, Mr. Donnie. Just be comforted by all the fond, beautiful, memories that you have of your dad. May his soul rest in peace.

I've been asked by my colleague, the Member for George Town West, who had to step out for a minute, to also convey to Maggie and Josh his sincere condolences and those of his family and his constituents of George Town West.

I would also like to extend to the families of Darleen Manzanares, June McField and Melanie McField on the passing of their dear family members. In the case of Maleka General, her mom is my special friend, Melanie General. It really took a toll on me last week Tuesday when I was called to the hospital when her daughter passed, so I want to let Mel and her mom know just how sad it is for all of us, particularly, all of her friends at her workplace, Alexandria Bancorp. We're all thinking of her and we want to say we love you and we will be here for you through this most difficult time.

Thank you, Mr. Speaker.

The Speaker: Thank you, honourable Member. Does any other Member wish to speak? Second time?

Hon. André M. Ebanks, Acting Premier: I believe we naturally segued into 9(ii) on the agenda, and I only addressed 9(i).

The Speaker: Oh, I see. Two bites of the cherry. Okay just this once.

[Laughter]

Hon. André M. Ebanks, Acting Premier: Technically correct. In terms of other messages of condolences in

in West Bay South, I want to join the Minister for Labour in terms of condolences for Bendel Hydes.

Bendel Hydes and my father go back from school age. When we were living in Brooklyn, New York, Bendel was living in Manhattan; being a young person, and seeing him in his element in the Manhattan art scene I used to think, as a little kid, *I hope Cayman realises what art treasure and icon they have, to see him in his element.*

His mind was extraordinarily creative. There are at least two paintings of his still in my mother's house in the States. Just an extraordinary human being. It was surreal to join the Civil Service and be co-DCOs with his brother, Tristan Hydes. I almost had to pinch myself, knowing how close my father was to Bendel, to now have gotten to know Tristan.

I believe, as the Minister for Labour rightly said, he's had several remarkable send-offs that I think mark his contributions to our country; but I hope that he is forever memorialised and not forgotten for his contributions to the creative foundation of this country.

There was the unfortunate passing of Diandra Bodden's mother, Miss Coleen Andrea Ebanks. Diandra serves as an assistant to a few Members of this House; I think I saw the Leader of the Opposition at the service. All elderly persons who have passed since we've met since February, I send out condolences. Most recently, Mr. Kenneth Calvin Smith.

On a darker note, we have those who have had tragic losses of their own volition in terms of Miss Courtney Burke and also Miss Shelby Daniela Thompson. Personally, Mr. Speaker, that was probably the most difficult day I ever personally experienced as an MP, to visit the home of a grieving family on the day of the occurrence when the child has preceded the parents in death.

There were no words that myself and the Member for West Bay Central could say. All we could do was to be there in comfort, and undertake as much as we can to focus on the phenomenon of teen suicide in this country. It's not easy, but we have to do more because clearly, there is an issue our young people are grappling with that for whatever reason, they are not reaching out for additional help before they take that drastic step.

On a probably more pleasant note, even though death is never easy, to the family of Captain Harrison Bothwell— most of the families in West Bay South— but, he was also my wife's father. It was an extraordinary life that he lived. He had two services; I spoke at both, and at one of them I said that we do pay due homage in this country for all of our seafarers and vets, but I think, for the life of Cayman Airways Limited (CAL), that we need to think about all of those who have contributed to the air and aviation. He was certainly a pioneer.

I think I remember from the obituary, from memory, that he has flown every model of aircraft that CAL has ever had. He trained numerous pilots. He had

some of the hairiest landings and kept his cool; from all reports from the air traffic controllers he was like ice, calm under pressure. We really do pay homage to an extraordinary life, on behalf of my family, and I do think it is time we start to memorialise some of our pilots who have contributed.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Acting Premier. The Member for Cayman Brac West and Little Cayman.

Mr. Moses I. Kirkconnell: Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer my condolences to the first Deputy Governor of this country. I see Maggie and Josh looking down; it must be evoking many thoughts as they look at where their father used to do business with quite a few of us in this House.

As has been said in the tributes, he was a wonderful man, a wonderful father, a wonderful husband. He was appreciated, he was respected by everyone in the country and abroad who met and knew him. He will be missed by all.

I also wanted to offer condolences for my constitutional responsibility of Cayman Brac and Little Cayman, because of your mother being from there; being able to spend a little time with her since Donnie's passing, to ensure that you know that our thoughts and prayers are with you, Annie and your family.

May his soul rest in peace.

The Speaker: The Minister for Sustainability.

Hon. Katherine A. Ebanks-Wilks, Minister of Sustainability & Climate Resiliency, Elected Member for West Bay Central: Thank you, Mr. Speaker.

I rise to give a short condolence. Many of the Members have already spoken and offered condolences to the family of the late Mr. Donnie Ebanks. I think Acting Deputy Governor summed up exactly what was on my mind as it relates to his life in Public Service, so I want to echo her words as it relates to Maggie and Josh: Thank you for sharing your dad. We all know what sacrifices it takes to be a Member and an ex-officio member, so I want to lay those condolences on behalf of the people of West Bay Central.

I noticed that many poems are laid in Parliament. I ran across this poem just now, and it pressed me to stand up and speak for just a moment. The Acting Premier spoke about the recent suicide in his constituency and, just a few short weeks before, we also had one in West Bay Central. All of us here know that the staff of Parliament are like family— they are family. I want to offer condolences this morning to our Raquel, her husband Tim and to Kamila, on the loss of Tyler who served in our Youth Parliament as Clerk. This is the poem that just popped up, which is what forced me to say these words this morning, *Her Name Sings My Soul.*

**"The mention of my child's name
May bring tears to my eyes,
but it never fails to bring music to my ears.
If you are really my friend,
let me hear the beautiful music of her name.
It soothes my broken heart
and sings to my soul."**

May Tyler rest in peace; and may Shelby rest in peace. I pray that we will see these suicides come to an end not just in the Cayman Islands, but around the world. Thank you.

The Speaker: Does any other Member wish to speak? We'll soon run out of Members.

Member for Newlands.

Hon. G. Wayne Panton, Elected Member for Newlands: Thank you, Mr. Speaker.

Mr. Speaker, I rise to add my condolences to the family of Mr. Donnie, to Maggie and Josh, who are two wonderful young Caymanians making a real difference in this country, just as their father did in his three-plus decades of public service to this country. I extend condolences both personally and on behalf of my constituents of Newlands.

Mr. Speaker, undoubtedly, we as a country have been the beneficiary of exemplary service, a man that many of us know didn't tolerate nonsense when it came to not seeking excellence, and he was so passionate about delivering good for his country, for our country. Undoubtedly, we are a better country for it, and we are grateful nation for his service provided.

Mr. Speaker, I would also like to associate myself with the offer of condolences made to the family members of all others mentioned in the last hour or so. The loss of any Caymanian is difficult and I think we all feel it. We appreciate the family members and we certainly remember those who have gone before us. In particular, I want to thank the Acting Premier and the Member for West Bay Central for mentioning the tragic loss of some of our young people, our young Caymanians.

Mr. Speaker, there's nothing harder for families than dealing with the loss of a young person with so much before them; so much potential, so much love to give, so much to contribute to the country. I, too, wish that we can find a way to stop it from happening. If only we could do it as quickly as possible.

Mr. Speaker with that, I thank you for the opportunity to make this contribution.

The Speaker: Thank you, Honourable Member. The Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Thank you, Mr. Speaker.

I wasn't going to say anything. Last Sunday, I walked my sister down the aisle for her wedding in the

absence of my own father, which next month would make ten years since his passing.

As I listened to all the Members of this House, I remembered Mr. Donnie... It's funny, Mr. Donnie and my Uncle George were actually quite close and there is a story that my uncle shared with me— if you're listening Uncle G, don't worry, I'm not *gonna* tell the story—a really funny story between him and Donnie.

I listened to the Acting Premier speak about Captain Harrison, with whom I had the pleasure of working at Island Air after he left Cayman Airways. I can say for Captain Harrison, probably one of the most decent persons I've ever met in my entire life; the man was just decent.

However, Mr. Speaker, as I'm listening to all the Members remember people who have passed, it just goes to show all of us inside here how short life is. It's very easy to give people roses after they have passed, but I will say it to everyone who's listening, life is so short. For those of us who woke up in our beds this morning, we have much to be thankful for. There are people who are waking up in hospital beds, waking up in retirement homes and don't have people around them.

I will say it to everyone that, while it's okay for us to remember those who have passed and the service they gave, take the time out when you go home or pick up the phone and hug your loved ones that you have today. Let them know how you feel before they pass, because it is said [that] one of the most destructive elements in the universe is regret; and regret isn't driven by things that we did, but by things we did not do. That's all I say to people. Pick up your phone, go home, tell your loved ones how you feel about them, because life is just too short.

Thank you.

The Speaker: Thank you, Honourable Member. Any other Member wish to speak? If not, I want to thank all honourable Members for your heartfelt contributions this morning. I believe they will have a real impression on the loved ones of those who have gone on, in particular, Josh and Maggie.

Before I conclude, there is another recent passing which no one mentioned: Mr. Dawson Mella-neo, who was an outstanding building contractor in Cayman for many, many years. His daughter-in-law, Wendy, worked in the Civil Service. I'm not sure if she's still there. I want to convey condolences to his son Randy and the rest of the family, and let them know that those of us who are in this role as representatives do share in their loss and wish to convey our condolences.

**"...Lives of great men [and women] all
remind us**

**We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time;
Footprints, that perhaps another,**

**Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.**

**Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labour and to wait."**

**"The Lord giveth, and the Lord taketh;
blessed be the name of the Lord." Amen.**
Madam Clerk.

Hon. Dwayne S. Seymour: Mr. Speaker, sorry for my interruption. A statement by the Minister of Border Control was registered and approved by Parliament, but it wasn't called.

The Speaker: Honourable Minister, the copy of the statement that came to me had instructions that it was not to be dealt with today; and we passed that part of the agenda in any event.
Madam Clerk.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

Madam Clerk, before we move on to Government Business, I omitted to mention that the Honourable Premier is still convalescing, thus the reason for her absence here; and that the Honourable Member for West Bay West, the Honourable McKeeva Bush, also tendered his apologies.
Madam Clerk.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

Firearms (Amendment) Bill, 2024 *(Continuation of debate thereon)*

The Speaker: When we took the adjournment yesterday evening, I presumed that debate had been completed but, just in the event that anyone who didn't speak before has had thoughts overnight, we didn't actually close the debate and I hadn't yet called on the Honourable Attorney General to exercise his right of reply, so... Does any other Member wish to speak? The Honourable Minister for Border Control and Labour.

Hon. Dwayne S. Seymour: Thank you, Mr. Speaker.
I rise to give my contribution to the Firearms (Amendment) Bill, 2024. I really want to thank the Honourable Attorney General and his team, for being so

willing to listen; trying to understand the stakeholders' concerns and to address them so quickly. I also want to thank the Member for North Side.

We ensured that a meeting was called very quickly [with] the stakeholders to address their concerns, as they were contacting many members of Caucus and I really admire the interaction of the Attorney General and his team with the stakeholders. I want to thank the gun club members themselves, the Chairman and others, for paying attention to what's going on in these Cayman Islands; otherwise we wouldn't have known to take these matters for further discussions and these amendments would not have come about.

The thought of firearms in itself, Mr. Speaker... Someone asked, "*How do they come here?*" It only gives me rise to mention that if firearms can come into this country, then other things such as smuggling of people, drugs and other contraband can [also] come into this country. I am a supporter of drones and in my humble opinion, I think we need to make a decision to get whatever we can, to protect our borders. I also see that we have a gun amnesty going on, Mr. Speaker; I really never paid much attention to all of the details, but I pray that it has some type of reward. I didn't hear that, but we need to ensure that we get as many guns off the street as possible.

I, again, want to thank the Honourable Attorney General on behalf of the Government, for responding so quickly to the stakeholders' concerns. I really appreciate it. Thank you so much, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

Does any other Member wish to speak? Does any other Member wish to speak? The Honourable Acting Premier.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker. I'll make this brief because yesterday I had a nose for lunch, and I can smell it again.

[Laughter]

Hon. André M. Ebanks, Acting Premier: First of all, I want to thank the Attorney General for his comprehensive presentation on the Bill, the reasons for it, and some of the comments and observations that were made while it was published. I thought that it was solid and covered much ground, and I'm grateful for it.

I also want to thank the Members of this House. During the breaks that you allowed, Mr. Speaker, to join and confer with the Attorney General, I thought it was a very useful meeting across the aisle. We went through items, line by line; as a body, I would like to see us do more of that, because I think it was a very productive, constructive, meeting that provided ample clarification on a number of issues.

As the Attorney General said, at the last contemplation of this legislation, so much has changed. The types of firearms have changed. The technology

has changed. The Member for West Bay West asked the question, *"Where are the guns coming from?"* Some of them are coming just from technology, so it's not even cross-border— which is deeply troubling; so, the legislation has to evolve. It has to move on.

In terms of West Bay South, the bulk of the feedback that I got from constituents seemed to indicate that they understood the overall purpose— that it was time for the legislation to evolve; but had specific comments and feedback, so I'm also grateful for the Attorney General to have met with key stakeholder groups to gather and collect their feedback and seek to address it, which I think will be borne out at the Committee Stage.

I believe it was the Member for Bodden Town West who asked me, in the capacity as Acting Premier and Acting Minister of Finance and Economic Development to undertake with the Economic and Statistics Office (ESO), whether they will begin to collect and publish stats on resolved crimes. It is duly noted, and I will take it back to the Premier.

One point that I've asked the Attorney General to cover briefly in his right of reply if he could, is in terms of the Bill's portion of mandatory sentences and whether it comports with the Bill of Rights. I think that's one area that could do with just a touch more clarification for those concerned in the public.

I believe it was the Member for Newlands who discussed that this legislation's updating is a useful tool in crime fighting, but there needs to be an overarching strategy in terms of how we are dealing, particularly, with youth offenders who are becoming violent. At that point, I would like to highlight the renewed focus of the Government's Child Safeguarding Board, which is the senior leadership team of the Civil Service, each of whom participates or has an aspect of child safeguarding. I believe the answers are to start as early as possible, and some of that work is ongoing in terms of also reviewing, revamping, the MASH [Multi-Agency Safeguarding Hub] unit.

In terms of social development, we're looking at changes to the children's legislation and other policies to help with the actual grounding of the legislation, to get to root causes and have prevention rather than cure.

With that, Mr. Speaker, I thank the Opposition for their collaborative effort and their tacit support or even express support; and I look forward to the Attorney General's right of reply and Committee Stage amendments to get this necessary evolution of this legislation passed.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Acting Premier.

Does any other Member wish to speak? Does any other Member wish to speak? Does any other Member wish to speak? If not, I call on the Honourable Attorney General to exercise his right of reply.

The Attorney General, Hon. Samuel W. Bulgin: I thank you, Mr. Speaker.

The Speaker: Honourable Attorney General, before you get into the meat of the matter, as the clock crawls towards 1 p.m., would this be a convenient time to take the suspension?

The Attorney General, Hon. Samuel W. Bulgin: Yes; I wouldn't stand between honourable Members and lunch.

[Laughter]

The Speaker: We will suspend until 2:30.

Proceedings suspended at 12:57 p.m.

Proceedings resumed at 2:56 p.m.

The Speaker: Please be seated. Good afternoon. When we took the luncheon suspension, the Honourable Attorney General was about to exercise his right of reply. Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Mr. Speaker. I am confident in saying that I think I have a few more friends in the Chamber given that I did not stand between colleagues and lunch, so I'm expecting more support.

[Laughter]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, thank you very much.

Let me begin by thanking Honourable Members for their support thus far on this Bill. In particular, those who spoke, and of course, there's always the situation that there's a tacit support of those who have not spoken.

Mr. Speaker, before I touch on some of the other issues, let me, with your leave, briefly deal with one issue. I think some of us have been inundated with correspondence from a particular passionate member of the public complaining about everything about this Bill— the process, whether it is constitutional, et cetera. I want to laud him for his interest in these matters; of course, he pays attention and so is quite passionate about it—

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Same said guy, Mr. Speaker.

The gentleman is, I suppose, a public-spirited individual concerned about whether the Bill and the process are human rights compliant, including the issue of the minimum mandatory sentence. For what is worth, I'd like to just put his mind at ease by saying that

the issue of whether you can have a mandatory minimum sentence is settled law. A number of cases have been to court, all the way to the Privy Council and it is settled law.

In fact, Mr. Speaker, when the concept was first introduced in the Cayman Islands in 2005, shortly thereafter, in 2007, we had a challenge to the legislation then, in a case named *Ebanks*. It went all the way to the Court of Appeal then, and it was said by the Court of Appeal, I think it was a judgment from Mottley, J.J.A., who quoted a case from the UK in which Lord Diplock had recognised the power of the legislature to prescribe a range of punishment including a minimum sentence. He said, Mr. Speaker, in providing a minimum sentence of imprisonment for ten years, in the 2005 law, the legislature was acting entirely within this province to enact punishment for the commission of offences of possession of an unlawful firearm.

The sentence was intended to apply to all persons who either pleaded guilty or were convicted by the jury after trial. It was not a sentence fixed by [the] legislature for the appellant and so the appeal was dismissed, but before he did that, he went to a litany of cases where it was customary for Parliaments to enact minimum sentence. Mr. Speaker, as I said, this was a direct challenge to the ten-year minimum sentence which we have now in the current legislation, albeit we didn't have the Bill of Rights at the time, but the European Convention on Human Rights was extended to the Cayman Islands.

Mr. Speaker, in more recent times, there is a matter from Jamaica that went to the Privy Council, again challenging the issue of minimum mandatory sentence. This is even more startling because it was a 16-year-old youngster who was sentenced to 15 years for an offence of wounding with intent with the use of a firearm. The lawyers argued on his behalf that, among other things, his age and so on, it was not compliant with the Human Rights Charter to have a minimum sentence, in this case 15 years, to which he was sentenced as a 16-year-old; well, he committed the offence when he was 16, but he was sentenced to a 15-years' mandatory minimum when he was 17. He complained, and it went all the way to the Privy Council which ruled that there was nothing wrong with that. It was quite in order. The board was satisfied that the minimum sentence imposed in this case was not incompatible with the Charter of Rights.

Mr. Speaker, I think the Privy Council said something which I thought was probably quite relevant, if I might, with your leave. It's just a one line. Crave indulgence, Mr. Speaker. The line they mentioned, which I found quite instructive, was where the court observed, it says, **"...as the background to this case makes clear it is the use of guns that has damaged Jamaican society and consequently, attracts a sentence with a bigger deterrent element."**

Mr. Speaker, that is what we are trying to avoid. It's exactly what we're trying to prevent here— a

situation where guns damage the society. That's what we, as legislators, are trying to prevent. If we don't do so, it is going to be to the detriment of all of us, not just those of us who are sitting in this Chamber today. It is quite in order, nothing is wrong with being passionate about human rights. That is how it ought to be and, as I said, I laud the gentleman for his effort; his interest in all of this, in trying to bring to everybody's attention the fact that what is being done should be compliant, and he likes to use Section 19 of the Constitution. He knows it. I mean, if you show it to him blindfolded, he would recognise it, Mr. Speaker.

That's how much he knows that whatever is being done by public servants must be proportionate and reasonable, et cetera. He knows it— but there is a greater imperative. There's a greater imperative, and even the Constitution recognises that for national security and other reasons, sometimes the state must put in place measures that will prevent greater harm. So, Mr. Speaker, if he's listening, I hope he is satisfied that what we're doing here is compliant, and he can be rest assured that we tried to remain within the four corners of the Constitution.

Mr. Speaker, thanks again, to all honourable colleagues who spoke on the Bill. During their contribution, some questions were raised by Members about the Bill itself, some of which we will seek to address. In particular, I think we agree with the honourable Member for Bodden Town West's observation about whether or not the Regiment should be one of those entities that the Firearm Bill expressly excludes when they are using firearms in furtherance of their duty.

It so happens, Mr. Speaker, that we were not advised about it initially but, having read the Firearms Law and the Defence Act, it is clear that it would be helpful to expressly reference the Regiment in section 44. It would help to compliment the provision in section 5(2) of the Defence Act to make it quite clear that if they are allowed to use firearms with the authorisation of the commandant and the Governor, then the possession and use of it would be undergirded by legislation, and so they would be exempt from the provisions of the Firearms Act. Thanks to the honourable Member for pointing it out.

Mr. Speaker, on the issue of minimum sentence for child molesters, again, it is a useful observation. Many Members will remember that sometime in 2017 or '18, I think it was during one of the first sessions in the Brac, we dealt with the grooming of children for sexual activities and put legislative measures in place. We amended the penal code to impose very strict deterrent sentences for grooming offences.

Something else that Parliament did at the time was to impose a minimum mandatory sentence for persons who were involved in grooming and, in particular, those who were in a position of trust as it relates to children and would then groom them for sexual offences. The Penal Code was amended to ensure that there was a minimum period of imprisonment persons would

serve if they were convicted of that particular grooming offence.

The point I'm making, Mr. Speaker, in keeping with the honourable Member's observation, is that I think we ought to and will be taking a serious look to see whether we could expand on a range of offences as it relates to child molestation. It should also attract a minimum mandatory penalty of imprisonment for persons convicted thereunder.

Mr. Speaker, the other thing he mentioned was spring-guns and I must confess that, despite my best effort, I could not find anyone in this Chamber who seemed to know what that is. I'll be guided by you, Mr. Speaker, but I doubt you would have been exposed to one of those.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: A spring gun. I think we sort of conceptualise what it is. It seems to have been something used before our time by farmers, but I've spoken to the police about it, Mr. Speaker. Their position is that, as far as they are concerned, it is not something that would be of any interest to them at this stage in terms of seeking to regulate it.

Given how it is probably constructed, it is not something that would cause them any concern that it should fall within the definition of firearms and therefore needs to be regulated. What I can suggest, Mr. Speaker, is that going forward we will have a more serious dialogue about it and see whether it's something that needs to be taken on board, but we did have a look at it. Not a concern for now.

Mr. Speaker, another Member...

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Yes. I agree, Mr. Speaker.

The point made by an honourable Member in his contribution was that the amendment to the Firearms Act is not the panacea to the anti-social behaviour that we are experiencing in this society. If I understand him correctly, Mr. Speaker, some of the behaviour being displayed with the use of guns is really just a kind of microcosm of a wider breakdown in our society; and therefore, a more holistic approach needs to be taken in terms of dealing with the root causes.

What is it that is causing especially our young people in our society to be displaying these sorts of behaviours? It is part of a wider problem, and therefore, other measures should be looked at with a view to try and arrest, if you will, this sort of decay, to try and redirect our young people so that they can live a life that is productive and law-abiding— and I agree with the honourable Member, Mr. Speaker. It is something that has occupied the mind of the Government and others [and] we are examining various measures.

The Government, the National Security Council, the National Security Coordination Board, the Cabinet are looking at a number of initiatives; as I said, one of them, the National Security Coordination Board, is being spearheaded through the Deputy Governor's Office. [They are] spearheading a number of issues that will take a more holistic approach to some of these issues, especially as it relates to our at-risk young offenders with a view to see how we can assist them at a very early stage, early intervention. Now we have early intervention to prevent them from drifting in this direction. I agree with the honourable Member that more needs to be done and I can confirm for him that more is being done.

Mr. Speaker, another honourable Member mentioned the fact that because of the proliferation in firearm offences, members of the society are expressing fear in attending public functions and going to public places and sometimes call, wondering aloud, whether it is safe to attend public events and it is unfortunate. As I said earlier, it is exactly what we are trying to avoid. We want to ensure that those who live and traverse these Islands can be assured, Mr. Speaker, that public safety is at the top of the list as it relates to the Government's priority.

We're not trying to criminalise what the Sport Shooters Association are trying to do; we're not trying to criminalise the Gun Club; we're not trying to criminalise persons who are holders of a firearms licence; we're not trying to criminalise what the farmers trying to do, we're not trying to prevent them from shooting agoutis. What we're trying to do, Mr. Speaker, is make sure that the legislation is up to date, is fit-for-purpose to deal with what I call 'bad actors'. Like any society, we have persons here who are up to no good.

The Government has an obligation to ensure that firearms are not in the hands of the wrong persons; and [that] if they are, and they are convicted, they will be treated in a way which acts as a deterrent to others who are like-minded to get involved with the unlawful use of firearms. That is all that the legislation is seeking to do, and therefore, whether it is 35 years, or 20 or 10, persons need not be concerned about it unless they are planning to break the Law. They should only be concerned about the length of the sentence and the severity of the sentence if they are planning to commit an offence involving a firearm. Otherwise, why should they be?

Mr. Speaker, the Government is working assiduously to enhance public safety and by extension, public confidence. The Commissioner of Police and his team are out and about patrolling the streets, responding to calls, doing everything to keep our society safe.

The ongoing gun amnesty mentioned by the Honourable Deputy Leader of the Opposition is but one recent initiative of those that the Government, along with the RCIPS, is pursuing, and I join with him in encouraging members of the society who are in possession of unlicensed firearms to take advantage of the

amnesty and turn them in; and if members of society know of persons who are in possession of firearms, encourage them to hand these over to the police also. One less gun on our streets makes the place safer. I hope that those who are involved will heed this clarion call.

Mr. Speaker, the Honourable Member for West Bay West, Honourable Parliamentary Secretary Bush, inquired quite loudly what is being done about shoring up our borders to mitigate the proliferation of firearms into the Cayman Islands— quite a reasonable question in the circumstances.

The truth is, the Cayman Islands does not manufacture firearms, and so they must be coming from somewhere. If you listen to the news, and follow what the police are saying, regrettably these firearms are coming in through our borders, either by sea (by boats/canoes); or airports, or some other means, but they are here, Mr. Speaker.

The truth is, that the Government is working hard to try and shore up the borders. They have been using manual means; they have been using technology, they have been using all sorts of initiatives to try and prevent guns coming across— but Mr. Speaker, we also need the support of those members of society who have information which can assist with intercepting these firearms.

The hope is that with these enhanced penalties persons will be deterred from getting involved with importation of firearms.

I mentioned Mr. Speaker, in my earlier debate about some of these [bad] actors who are now buying the firearms in parts. They buy them in circumstances where they are disassembled, bring in different parts at different times and, once here, they assemble them and have a firearm that is not traceable because of the way it is acquired and put together. There are no serial numbers, et cetera. It is very difficult for law enforcement to keep up with all of this, and so there is a need for enhanced vigilance at the port to make sure that these behaviours are detected and dealt with in a timely manner.

Mr. Speaker, the effort in that regard is coordinated. There's a combined effort of the RCIPS, the Coast Guard, Customs and Border Control, and others who have all been working very hard to mitigate the flow of firearms across our borders. It would also help immensely if law abiding citizens continue to assist the Police, the Coast Guard, Customs and Border Control in intercepting these firearms.

Mr. Speaker, I think I have touched on just about all the issues.

There was an issue raised by the Honourable Deputy Leader of the Opposition during our discussion which was not part of the presentation on the Bill which we are still looking at. It relates to the issue of leaving firearms with others who are similar firearms' licence holders and the duration of it. We're hoping to have another look at it and we'll be able to say more about that

at the Committee Stage, so we'll see what happens there.

Mr. Speaker, I would like to thank all honourable Members, both those who spoke and those who tacitly support the Bill, for their contribution. Earlier, I omitted to thank my assistant, Miss Celia Middleton, who helped me prepare for this debate; the drafters, and also police officers Miss Mullins and Mr. Bryan and others, for their support.

Mr. Speaker, with that, I would commend the Firearms (Amendment) Bill, 2024 to honourable Members of this House for safe passage.

I thank you, sir.

The Speaker: Thank you, Honourable Attorney General.

The question is that a Bill shortly entitled the Firearms (Amendment) Bill, 2024 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Firearms (Amendment) Bill, 2024 was given a second reading.

The Speaker: Madam Clerk.

Summary Jurisdiction (Amendment) Bill, 2024

The Acting Deputy Governor, Hon. Gloria McField-Nixon: Mr. Speaker, I beg to move the Second Reading of a Bill, the long title of which is a Bill for an Act to amend the Summary Jurisdiction Act (2024 Revision) to provide for the appointment of Members of Parliament as Justices of the Peace *virtute officii*; to restrict Members of Parliament from exercising certain powers, functions or duties of Justices of the Peace to avoid conflict with their role as Members of Parliament; and for incidental and connected purposes.

The Speaker: The second reading of a Bill shortly entitled the Summary Jurisdiction (Amendment) Bill, 2024 has been duly moved. Does the Honourable Deputy Governor wish to speak thereto?

The Acting Deputy Governor, Hon. Gloria McField-Nixon: Thank you, Mr. Speaker, I will.

Mr. Speaker, I rise to present the Summary Jurisdiction (Amendment) Bill, 2024. This relatively short Bill, if passed, will significantly streamline existing appointment processes for Members of Parliament to be appointed as Justices of the Peace), and thereby further enhance access to JP services for persons across the Cayman Islands.

The primary benefit of this Bill, Mr. Speaker, is to augment the number of Justices of the Peace (JPs) who are available and willing to provide important services to the community, such as certifying documents, taking declarations and affidavits and administering oaths—but for these services being rendered voluntarily by JPs, the associated cost of such services might present a significant financial hardship for some members of our community.

It is important to point out that unlike notaries public, who typically charge fees, Justices of the Peace provide such services free of charge. In addition to financial consideration, the Bill enhances accessibility as well, as accessing such services commercially typically requires persons to leave their own districts in order to present themselves at business locations to receive these services.

It would be remiss of me, Mr. Speaker, not to acknowledge the work of our existing JPs. The Justice of the Peace Association is to be commended for the arrangements it makes to provide JP services each week at the Government Administration Building in George Town. This service is offered by a small but committed number of JPs during regular business hours, in addition to any arrangements they and other JPs may personally make to be accessible within the districts.

However, Mr. Speaker, we know that we have a growing population and the demand is always significant, therefore, through the provisions set out in the Bill, Members of our Parliament (MPs), while carrying out their normal services to their own constituencies, will be able to offer JP services as well, so that they can enhance the accessibility of such services to all the people of these Islands, wherever they may reside. As our elected leaders, Members of Parliament are pre-eminently qualified and have long made ideal candidates to carry out the functions of Justices of the Peace. Their intimate knowledge of their constituencies is a distinct asset.

The current framework governing the appointment of JPs involves a lengthy nomination and robust interview process in order to ensure that persons fulfilling this role are properly vetted. Bearing in mind that the Members of Parliament are already subject to very strict eligibility requirements set out, for one thing, in the highest Law of our land—the Constitution; as well as the fact that their interview process involves a panel of none other than the public at large who select them. We can be assured of the fitness of such persons to serve their communities in this additional capacity.

As such, applying our existing administrative processes to vet candidates emanating from this honourable House, who are already sworn to serve the people of the Cayman Islands, is rightly deemed to be most unnecessary.

It is important to note, Mr. Speaker, that an alternative mechanism already exists within the Act which, with minor amendments, can provide a more

streamlined route for the appointment of MPs as Justices of the Peace. Currently, this mechanism permits the appointment of public office holders as JPs without the need for an application and interview process, based on the office that they already hold.

This streamline route allows for appointments to be made by virtue of the office that is held, and is set out in section 7(3) of the current Summary Jurisdiction Act. Utilising the provisions set out in this Bill will enable MPs to be swiftly appointed as Justices of the Peace upon their election—if they are not already so appointed; and will prevent both unnecessary delay and duplication of administrative efforts.

Mr. Speaker, the first part of clause 2 of the Bill will achieve this efficiency by inserting a new section 7 (3A) to the Act, allowing the Governor to appoint an MP by virtue of the office he or she holds. Clause 2 goes further to recognise the unique role of MPs and seeks, therefore, to protect them and ensure the separation of powers among the three branches of Government. The Bill ensures that the adoption of a streamlined approach also respects the principle of separation of powers and offers clear protection for MPs from being put into a difficult position.

To provide context, Mr. Speaker, it is important to note that JPs may perform other functions under the law which may not be appropriate for sitting MPs to undertake. For example, JPs may be requested to preside over a criminal or civil case as part of a panel pursuant to section 12 of the Summary Jurisdiction Act; to sit on a police disciplinary panel, pursuant to section 101(4) of the Police Act; to permit cash seized on suspicion of being drug money to be released, pursuant to section 26 of the Misuse of Drugs Act; and to witness the destruction of election documents, pursuant to section 9(1) of the Elections Act, to name but a few examples of possible conflicts.

Some of these functions give rise to potential issues relating to the principles of the separation of powers. This principle requires that the functions of the three branches of Government be clearly divided. Keen consideration has been given to prevent any overlap of these roles, and equally important, the perception of such, should these result in a real or perceived conflict of interest.

In most cases, it will be obvious to an MP, as it is for other persons who serve as JPs, when their impartiality may be called into question if they undertake certain types of JP function. In such conflicts, like other serving JPs, they may and will decline to exercise those functions. However, in some cases, an MP may be unaware of all the facts surrounding the matter in which they are dealing as JPs and their work could later be called into question. To avoid these scenarios, some countries have taken a very restrictive approach to protect against the risk by prohibiting elected leaders from acting as JPs. This is the case in Northern Ireland where such appointments are only possible with the consent of the Lord Chancellor.

We have never had such a broad prohibition in the Cayman Islands, and for very good reason: we do not believe that it is necessary. Other countries are protected against this risk by placing conditions on the conduct of certain functions, for example, by prohibiting MPs from acting as judges within their own local constituency, as is the case in England and Wales. Geographical restrictions are not practical within the Cayman Islands, Mr. Speaker, due to the relatively small size of a jurisdiction coupled with the fact that courts and tribunals are located only in George Town, save for the sittings of the summary court in Cayman Brac.

It is believed within our local context that an equally effective way of ensuring that MPs may provide JP services with clear safeguards, is to provide for MPs to be appointed *ex officio* and for the duration of the time that they hold political office to limit the functions which have the potential to give rise to such conflicts. I say *have the potential to give rise to such conflicts*, because Mr. Speaker, I note that in practical terms, persons serving as JPs have been quite judicious to avoid such conflicts.

However, additional safeguards which have been provided include limiting functions which involve the exercise of judicial or quasi-judicial functions, or carry a risk of perceived impropriety due to their very nature. To this end, Mr. Speaker, Clause 2 of the Bill inserts a new subsection (3B) to the Act, ensuring that such MPs will not be called upon to fulfil such functions. The Bill is even-handed on the aspect of removal from the role of Justices of the Peace.

Clause 3 of the Bill ensures that MPs who are appointed under this new procedure are treated in the same manner as existing JPs when it comes to the process for the potential removal from the role.

Mr. Speaker, clause 4 of the Bill provides a mechanism for MPs to retain their designation as JPs whenever he or she returns to private life and ceases to be an MP. Additionally, a former MP who becomes a JP by virtue of the position that they held will, under this Bill, thereafter be permitted to exercise the full array of JP functions in their private capacity.

Finally, Mr. Speaker, Clause 5 of the Bill provides that these new provisions do not affect the validity of any historical work undertaken by a JP before the commencement date. In this way, the Bill looks forward and not retrospectively.

The Bill also contains certain transitional provisions. Justice of the Peace have not, for some time, been routinely deployed to serve on panels in our courts or tribunals, although we know that there has been discussion about this in more recent times. Whilst we do not anticipate that there will be many, if indeed any, ongoing court cases or tribunals involving an MP serving on a panel, clause 6 of the Bill provides for such ongoing proceedings to be restarted if any party seeks a new panel in light of the new provisions coming into force. Again, this is deemed to be most unlikely, but has been added for good measure.

The role of the JP is a significant one and it comes with its own burdens and responsibilities. I should highlight the existing legal protections afforded to JPs. Under section 40 of the existing Summary Jurisdiction Act, all JPs are protected from liability for their actions as JPs, provided these actions were all taken in good faith. This protection under section 40 will automatically extend to MPs appointed as JPs under the new procedures in equal ways as they apply to existing JPs.

There is as well an existing training requirement for JPs under section 43A of the existing Summary Jurisdiction Act and the Justice of the Peace Regulations, 2015. All JPs are required to undergo training and to observe a code of conduct. These requirements extend to all JPs, including those who are appointed by virtue of the position that they hold.

In conclusion, while this is a relatively short Bill, Mr. Speaker, it is hoped that it will improve the lives of numerous members of our community who need swift and convenient access to free JP services from persons who are most familiar to them, and are most accessible wherever they live in these Islands. This Bill will also, for the avoidance of doubt, clearly signal that our Members of Parliament are pre-eminently qualified and already sought out by residents within our districts to lend assistance. This Bill will remove any procedural processes which may have unintentionally impeded their ability to render such assistance as duly appointed Justices of the Peace.

I, therefore, Mr. Speaker, commend this Bill to this honourable House.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Acting Deputy Governor. The Bill has been duly presented. Does any other Member wish to speak? *[Pause]* Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Mr. Speaker, and thanks also to the Acting Deputy Governor for her able presentation of the Bill.

Mr. Speaker, just a few short observations. I think a Bill such as this is long coming, and I'm really delighted that we are seeing it come to fruition. I believe that every Member in this House welcomes this change, themselves to be appointed as Justices of the Peace. I know we've had a situation where at least one of our Members was entitled to be appointed, but had yet to be done so and this is going to take care of it for us.

Mr. Speaker, I appreciate the very short and skilful way in which this has all been crafted and to put in the necessary safeguards in limiting the activities of a JP who is a Member of Parliament and limiting the roles that they can undertake. I think that goes a long way towards enhancing the credibility of the Office of a Justice of the Peace.

For myself, I've been a JP for more than 20 years and I think this really will go a long way to enhancing the respect that Justices of the Peace deserve in the role that they undertake. The [Acting] Deputy Governor talked briefly about the great role that we do fulfil in our community; by and large, Justices of the Peace are well respected and, many times revered in this country, for the time that they give and the work that they perform.

Mr. Speaker, if there's any doubt in anyone's mind with regard to our support here on the Opposition, I say so unequivocally: We are happy to support the legislation and look forward to supporting it when we take the vote. With those few comments, Mr. Speaker, I thank you.

The Speaker: Thank you, Honourable Leader of the Opposition. Does any other Member wish to speak? [Pause] Does any other Member wish to speak? [Pause] Does any other Member wish to speak? [Pause]

If not, I'll invite the Honourable Acting Deputy Governor to exercise her right of reply.

The Acting Deputy Governor, Hon. Gloria McField-Nixon: Thank you, Mr. Speaker.

I would also express my sincere thanks to the Honourable Leader of the Opposition for his explicit support for this Bill, and indeed, I expect, to all honourable Members of this House, for your implicit support of this Bill.

The Honourable Leader of the Opposition is correct, this has been long coming. A very thoughtful approach has been taken to crafting this Bill in a way that we hope will provide permanent relief to our existing and any future members of this honourable House allowing them to be easily appointed automatically by virtue of the offices that they hold as Justices of the Peace. We are very, very grateful to be able to finally bring this relief.

Again, my sincere thanks to the Honourable Leader of the Opposition and honourable Members of this House for their support.

The Speaker: Thank you, Honourable Acting Deputy Governor. The question is that a Bill shortly entitled the Summary Jurisdiction (Amendment) Bill, 2024 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Summary Jurisdiction (Amendment) Bill, 2024 was given a second reading.

The Speaker: Madam Clerk.

Perpetuities (Amendment) Bill, 2024

The Speaker: I recognise the Honourable Acting Premier.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker. I beg to move the second reading of a Bill entitled Perpetuities (Amendment) Bill, 2024.

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

Hon. André M. Ebanks, Acting Premier: Yes, Mr. Speaker.

The Speaker: Please proceed.

Hon. André M. Ebanks, Acting Premier: Mr. Speaker, I rise to present the Bill on behalf of the Government. It's a Bill that seeks to amend the Perpetuities Act (1999 Revision), which I referred to hereafter as the principal Act, to provide for the disapplication of the rule against perpetuities, to correct typographical errors, and for incidental and connected purposes.

Mr. Speaker, to briefly discuss the reasons for the Bill, the rule against perpetuities, which I will refer to for short as "the rule", was formulated to address certain fundamental considerations regarding trust, such as the devolution of property for estates. For example, the rule prevents a property owner from controlling the assets the property owner places in trust indefinitely after death.

The rule was for the first time applied by the courts of England in 1681, and holds that private trust may not be created for unlimited lengths of time. Originally, Mr. Speaker, I believe that the perpetuities period was for the length of a life or lives in being plus twenty-one years. The rule has now been modified by statute in a number of countries including the United Kingdom and also here at home in these Islands and many other countries. In Cayman, the principal Act currently establishes a statutory perpetuity period of one hundred and fifty years, which can neither be extended nor shortened.

Mr. Speaker, industry groups through our Financial Services Legislative Committee recommended that the Act be revised to disapply the rule for all future trusts and all existing trusts retroactively, but only with an application to the Grand Court. This recommendation for a commercial enhancement was made to the Ministry, and based on findings that indicated that several comparative financial services centres have removed the perpetuities provision from their respective legislation.

Mr. Speaker, as part of its legislative development process, the Ministry assessed the effect this proposed change may have on the success of the island as a globally respected Financial Services centre; what the impact may or may not be on our strong anti-money

laundering framework, and the international landscape of trust business. The Ministry policy team concluded that this proposed change would be advantageous given the potential attraction of even greater sound global trust business. Furthermore, the Ministry policy team found that other jurisdictions have implemented the change without negative impact on their international anti-money laundering ratings; however, if we need to adopt additional safeguards in due course if standards change in order to maintain our favourable ratings, we shall do so.

Accordingly, Mr. Speaker, the Ministry drafted a proposed amendment Bill to the principal Act and held industry consultation in January of this year. Pursuant to feedback received during the consultation, material changes were made to the Bill to align the provisions with the feedback received. The Ministry held a second round of consultation in May 2024, which included the Monetary Authority, and then finalise the Bill based on comments received during that round of consultation. Mr. Speaker, that shows that the Bill has been drafted in partnership with the primary regulator and industry participants.

We understand that the trust in a state sector, as well as family offices, are now attracted to financial services centres that offer trust investment vehicles with an optional perpetuities period. It is important, therefore, that these Islands keep pace and continue to offer cutting edge products. We believe this amendment will serve to ensure Cayman remains a prime destination for sound trust business. To summarise some of the more substantive clauses, Mr. Speaker:

The first substantive proposed amendment in relation to the Bill is, of course, the disapplication of the rule of the future trust.

A new section 18 provides some definitions and defines an interest in land to exclude income from land in these Islands and the proceeds of sale of lands in these Islands.

The Bill inserts a new section 19 which states that any trust created after the commencement of this Bill may choose to specify, in the instrument creating the trust, whether the rule applies. This makes the application of the rule optional when a trust is created, granting a settlor more flexibility in determining the duration of the trust. Section 19 also specifies that a trust may not disapply the rule if it has an interest in land in these Islands. This is to ensure that local real estate does not get unintentionally tied indefinitely into a trust.

Mr. Speaker, the Bill adds a new section 20 which allows for a retroactive disapplication of the rule to existing trusts by application to the Grand Court. The provision further directs the Grand Court to ensure that this application of the rule would not be to the detriment of the beneficiaries of the trust. Again, the provision also ensures that the trust cannot hold interest in land in these Islands.

Mr. Speaker, the Bill also introduces a new section 21 which specifies that a foreign trust which is

not subject to the rule may, subject to section 89 of the Trust Act, change the applicable law to the law of these Islands without the need to apply to the Grand Court for disapplication of the rule.

Mr. Speaker, to provide this House with a brief overview of the Bill's clauses in order, the Bill has been arranged in six Clauses.

Clause 1 provides the short title of the legislation.

Clause 2 provides for the amendment of the principal Act by inserting proposed Part headings in the principal Act.

Clause 3 amends section 4 of the principal Act to correct a typographical error.

Clause 4 amends section 14 of the principal Act to clarify that references to the Court in that section are to the Grand Court.

Clause 5 amends section 15 of the principal Act to update the section heading to reflect properly the contents of that section. The Clause also amends section 15 to clarify that references to the Court in that section are indeed to the Grand Court.

Clause 6 provides for the amendment of the principal Act by inserting a new Part 3 which provides for the disapplication of the rule against perpetuities.

Mr. Speaker, the proposed new Part 3 contains proposed new sections 18 to 21; the proposed new section 18 provides definitions for the terms "enforcer" and "settlor". It also provides for the interpretation of the reference to land in the Islands or an interest in land in the Islands.

The **proposed new section 19 provides that:**

- a) where a disposition is made by an instrument which comes into effect on or after the commencement of this legislation, and**
 - b) the disposition does not relate to a trust which holds land in the Islands or an interest in land in the Islands,**
- the instrument by which the disposition is made may by its terms provide that the rule against perpetuities does not apply to that disposition.**

Mr. Speaker, proposed new section 20 provides, among other things, that the trustees, settlors and enforcers of certain trusts may apply to the Grand Court to disapply the rule against perpetuities.

The proposed new section 21 provides that where a trust is of unlimited duration and to which the rule against perpetuities does not apply under its governing law changes the governing law of the trust to the law of these Islands, a disposition made in respect of the trust shall not be subject to the rule against perpetuities under the law of these Islands.

Mr. Speaker, as you can see, it's a relatively short Amendment Bill and therefore that concludes my presentation thereon.

In closing, I wish to thank the Ministry's policy team for moving on this matter expeditiously and

working collaboratively with industry practitioners; the Monetary Authority; the Financial Services Legislative Committee, chaired by Charles Jennings and ably aided by Al Robertson; and of course, last, but certainly not least, the Legislative Drafting Department for their efforts with respect to the design and preparation of the Bill.

Mr. Speaker, I therefore commend the Perpetuities (Amendment) Bill, 2024, to this honourable House for its second reading.

The Speaker: Thank you, Honourable Acting Premier. The Bill has been duly presented. Does any Member wish to speak? The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Mr. Speaker.

Thank you for the opportunity to speak just briefly to the Bill at hand, and to again, signal our support for this piece of legislation which has been through such wide consultation not just once, but you indicated twice, with industry regulators and all those involved in the trust industry. Clearly, this amendment is intended to benefit the financial services industry and we therefore fully support it.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Leader.

Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] If no other Member wishes to speak, I'll invite the Honourable Acting Premier to exercise his right of reply.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker.

Very briefly to thank the Leader of the Opposition for expressing support, and all other Members for their tacit support; and to thank my colleagues in Caucus and Cabinet for seeing the wisdom of adding another feather in the cap of our financial services industry.

Thank you, Mr. Speaker.

The Speaker: The question is that a Bill shortly entitled the Perpetuities (Amendment) Bill, 2024 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Perpetuities (Amendment) Bill, 2024 was given a second reading.

The Speaker: Madam Clerk.

Pharmacy Bill, 2024

The Speaker: The Pharmacy Bill, 2024. I recognise the Honourable Minister for Health and Wellness.

Hon. Sabrina T. Turner: Thank you, Mr. Speaker.

Mr. Speaker, I beg to move the second reading of a Bill entitled the Pharmacy Bill, 2024.

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

Hon. Sabrina T. Turner: Yes, sir, Mr. Speaker. Thank you.

The Speaker: Please proceed.

Hon. Sabrina T. Turner: Mr. Speaker, I rise on behalf of the Government to present a Bill that repeals the Pharmacy Act, 1979 and the Pharmacy Act, 1991 and replaces them with a new regulatory regime for the importation, manufacture, wholesale, dispensing and prescribing of medicines; and all incidental and connected purposes. The Bill, Mr. Speaker, is divided into six Parts:

Part 1 of the Bill deals with preliminary matters.

Part 2 of the Bill provides the various licences that will allow a person to import, manufacture and sell wholesale medicine and provides for the authorisations that render a medicine approved for the purposes of the legislation.

Part 3 of the Bill contains provisions regulating how medicines are dealt with.

Part 4 contains provisions relating to enforcement of the legislation.

Part 5 contains miscellaneous provisions; and

Part 6 of the Bill provides for repeals.

Forty-five years after it was enacted, the Pharmacy Bill of 1979 remains the piece of legislation in force guiding pharmacy practice in the Cayman Islands. While the Pharmacy Act of 1991 was gazetted with the intention of replacing the 1979 Act, the corresponding Regulations were never completed and as such, the 1991 Pharmacy Act was never enacted.

Mr. Speaker, to say that this piece of legislation is no longer fit-for-purpose is an understatement. In every aspect, our world today looks far different than it did in 1979. Let me put it into context. Can we recall what George Town looked like in 1979? There were no TVs, no computers; what were cell phones or Facebook, Instagram, Snapchat? Anybody remember Patterson's, Co-Mart, Buy-Right, even 19-Hole— does anybody remember 19-Hole Restaurant?

[Inaudible interjection]

Hon. Sabrina T. Turner: Exactly. I can recall George Town with the Catholic Church, red and white, right where Elizabethan Square is right now; and remember

that little hog plum tree right there in front of Miss Louise Llewellyn's, where Jose's Gas Station used to be? Yep. That's how far back we can go and where we're coming from. Might I say, huh? Even Shirley's Shop, Farmers' Bright Spot. Yes, I'm going back, but I hope you get the context of where we're coming from—and definitely Miss Maudie's.

[Laughter]

Hon. Sabrina T. Turner: Access to medication and modernising our legislation is no different and we have failed, but I am happy to be here today. Access to medication, pharmacy practices itself, has certainly evolved in the past four-and-a-half decades. I was only five years in 1979, to be exact—I just told my age.

It is important to note, Mr. Speaker, that back in November 2021 the Office of the Auditor General (OAG) performed an audit of the Health Services Authority's Outpatient Pharmacy Services, to evaluate its efficiencies and effectiveness.

One of the recommendations directed to my Ministry was that we had to prioritise the development of a new national strategy for health that provides overarching direction for pharmacy services and the use of medicines. Mr. Speaker, I am proud to inform this honourable House that the strategy is currently underway. The consultation period for the National Health Strategy was held and concluded on May 31st, 2024. My Ministry team, in consultation with the Pan American Health Organisation (PAHO) are working towards a draft plan that will appeal to the current health needs of the nation.

Another OAG recommendation was to update the Pharmacy Act, 1979, thus, it has been my Ministry's primary objective to provide an all-encompassing piece of legislation that speaks to the current issues of regulation, handling, storage, distribution and importation of pharmaceuticals. As such, the need to reform the current legislation, and by default, pharmacy practice policies, are strongly supported by the pharmacy profession and the greater health care community. The Pharmacy Bill, 2024 aims to close unintended gaps, prevent conflicting provisions that exist currently, provide a legal framework for the proper regulation of the pharmacy profession, and thus, [ensure] the safety of the residents of the Cayman Islands. Following a 60-day public consultation period between September 29th and November 30th 2023, the Ministry team compiled a list of proposed amendments which reflected international best practices, as well as feedback from key stakeholders and other members of the public.

After receiving approval from the Cabinet to proceed with the amendments, the Ministry collaborated with the Portfolio of Legal Affairs (POLA) to produce a competent and relevant final version of the Pharmacy Bill, 2024 that is before us today. The list of recommendations made, Mr. Speaker, facilitates the proper wording and fluidity of specific clauses within the

proposed Bill to prevent confusion and misinterpretation. I must wholeheartedly thank the public for their diligent review of the Bill, and their ability to provide substantial recommendations which fortified it even more.

Mr. Speaker, I will now provide a detailed overview on the Clauses contained in the final version of the Pharmacy Bill, 2024.

The preliminary part of the Bill, Part 1, sets Clauses 1 and 2 which consists of the short title and commencement of the legislation as well as the interpretation of various key terms to be found in the Bill. For example, Clause 2 of the Bill reflects the definition of the word "medicine", which will now include animals; thus, Clause 2(a)(i) of the Bill will read, "A substance or combination of substances presented as having properties of preventing or treating disease in human beings *or animals*."

We all know that pets sometimes fall ill and require medication that is also consumed by humans. As we evolve, why not include our pets? Like I alluded to, the inclusion of the word animals was deliberate, Mr. Speaker; it reflects the feedback presented by local stakeholders to ensure that the Bill accommodates the duties of veterinary surgeons who also need to be able to dispense medication—were they not included in the Bill, it would prevent the practice of veterinary medicine in the Cayman Islands.

Clause 2 also includes a wider definition of "prescriber" which will allow the flexibility of practitioners other than doctors, dentists and veterinary surgeons, to prescribe medicines within their scope of practice; thus, reflecting the growing importance, internationally, of nurse practitioners and pharmacists, amongst others, as clinical practitioners. I will now present the substantive components of the Bill.

Mr. Speaker, my Ministry is cognisant that the restriction on importation of pharmaceuticals is an important public safety measure to ensure that only medicines of appropriate quality and traceability are imported, and made available to patients in the Cayman Islands; thus Clause 3, in Part 2 of the Pharmacy Bill, sets out the conditions under which persons are authorised to import medicines to the Islands. It restricts the importation of approved medicines to people holding appropriate licences, and exempts those who wish to import medicines for personal administration.

Mr. Speaker, these parameters are designed to ensure that we are not criminalising visitors to our Islands, nor people who receive treatment off-island and return with medicines to complete their treatment.

It is worth noting to this honourable House, that the wording of the Bill has been specifically drafted to balance concerns about personal importation where the underlying reason may be for unregulated commercial sale and avoidance of payment of duties, with the need to avoid penalising visitors or individuals who, out of necessity, need to obtain medicines outside the Cayman Islands. Mr. Speaker, this was not a theoretical exercise, but one that was intentionally made following

representations made to me by other Members of this honourable House, where such instances actually occurred.

You will remember Mr. Speaker, that the Pharmacy Act, 1979 did not address manufacturing of medicines in the Cayman Islands. Up until this point, our licence conditions have allowed the wholesale importation, supply and dispensing of medicines, however, the Bill being Tabled today will modernise our approach by also providing for manufacturing of medicines in the Cayman Islands, the condition for which are set out in Clauses 4 and 5. This will be a first for us.

Mr. Speaker, in terms of licence applications, Clause 7-11 of the Bill provide for these to be decided by the Pharmacy Council using the criteria of fit and proper persons, meeting the conditions defined within the Act for the provision of a safe and secure service. A small caveat to note, also, is that while licences are ordinarily issued for a three-year period, they may be suspended or revoked as necessary by the Council.

Mr. Speaker, I am sure the House would agree that the safety and efficacy of medicines are paramount to the health and well-being of every single person living here in our Islands. As such, Clauses 12-14 of the Bill now provide for the Council to set out what medicines they consider to be safe and effective for use here in the Cayman Islands. Safeguards are also built into the Bill to allow the Pharmacy Council to authorise, in exceptional circumstances, the use of medicine that would otherwise be unapproved. The exception may be either for a class of patients or an individual, specific patient.

Mr. Speaker, the Bill also provides Cabinet with the power for emergency authorisation, building on the lessons of COVID-19 so that we can rapidly licence medicines that may be required countrywide.

Part 3 of the Bill, Mr. Speaker, addresses the topic of dealing with medicines. Clauses 15 and 16 of the Bill provide controls for non-approved medicines and create an offence in the instance of importation and the use of non-approved medicines. The Bill further stipulates that medicine should not be supplied by a retailer unless under the supervision of a pharmacist and within the confines of a certified pharmacy or after obtaining a dispensing licence. Clause 16 of the Bill does provide an exception for specific over the counter medicines and natural supplements to be supplied in retail stores such as supermarkets and gas stations without the store owners needing to obtain a wholesale licence.

Furthermore, Mr. Speaker, while it is permissible to compound a medicine, provided that such is done by a skilled and qualified person, it is otherwise illegal to alter a medicine according to Clauses 17 and 18. For clarity to the House, "compounding medicines" refers to the process of creating personalised medications for patients by combining, mixing or altering ingredients to tailor medication to an individual's specific needs. This practice is used, for example, when standard

medications are not available, or a patient is unable to tolerate a commercially available medication.

Mr. Speaker, Clauses 19 and 20 of the Bill also make it a requirement that medicine should be clearly described; and not described in any misleading way in terms of their quality or effectiveness. The medicine should be accompanied by appropriate information, in particular, all medicines must be supplied with a patient information leaflet in English, although exemptions may be made in unusual circumstances, by permission of the Chief Medical Officer.

In terms of vending machines, Mr. Speaker, Clause 21 of the Bill makes it illegal for medicines to be dispensed from vending machines; however, this does not include medicines that would ordinarily be available through general sales, such as simple painkillers and antacids. Furthermore, Clause 22 stipulates that it is illegal for medicines to be dispensed via the internet or mail order pharmacies.

The Bill sets out the privileges of a wholesale pharmacy licence or manufacturing licence in Clause 23.

Clause 24 allows ship physicians to prescribe a limited supply of medicines to ensure that tourists on cruise ships can receive any urgently required medicines.

Mr. Speaker, we are aware that there have been issues with the unauthorised alteration of prescriptions; thus, Clause 25 of the Bill creates a specific offence—altering a prescription.

My Ministry is also actively investigating more secure and effective ways of prescribing medicines, potentially using a national electronic prescribing system. Such a system would revolutionise our approach to prescribing medicines as it would:

- prevent duplication in prescribing;
- automatically identify dangerous interactions between prescribed medicines;
- offer safeguards where allergies and other contraindications to medicines may be present; and
- intercept any potentially fraudulent dealings with medicines.

Such a secure and confidential system would also ensure that all certified pharmacies in the Cayman Islands have the ability to monitor and record a patient's prescribing record. In this respect, public and private pharmacies will have the interconnectedness required to provide quality health care for a coordinated approach. Mr. Speaker once implemented, we envision that a national electronic prescribing system would become the sole prescribing method within the Cayman Islands.

Mr. Speaker, Clause 26 of the Bill sets out rules on dispensing prescription-only medicines and includes a provision that pharmacists may dispense a supply of prescription-only medicines without a prescription in emergency situations, after meeting specific criteria.

Recognising that substantial cost savings are available through the use of high-quality generic medicines, Clause 27 of the Bill authorises dispensers to dispense bio-equivalent generic medicines, provided the prescription permits substitutions to be made, as some substitutions may be prohibited by the regulations. Preliminary results from the STEPS 2023 National Survey highlight some worrying discrepancies when it comes to the number of persons who have been prescribed medication for diabetes, high blood pressure and raised cholesterol, and those who are actually taking the said medication. We know, Mr. Speaker, that the cost of medication impacts patients' compliance; this measure within the Bill will help to mitigate this barrier to access by making medicines more affordable to patients.

Mr. Speaker, you will remember that at the outset of this presentation I referred to the Bill's wider definition of prescriber. It provides that a prescriber is a person acting within the scope of practice and complying with the requirements prescribed by the regulations. In terms of administering a prescription-only medication, normally a person administering a prescription would only be the prescriber of the medicine.

Acting in accordance with the written directions of the prescriber of the medicine, however, Clause 29 of the Bill now includes a registered practitioner acting within their scope of practice; therefore, allowing for the supply of medicines within smaller communities, and to defined groups—such as women seeking family planning, from midwifery services.

This is important, Mr. Speaker, because it is our duty to ensure that healthcare services are inclusive and accessible to everyone, whether they are in Grand Cayman or the Sister Islands. Thus, it should be noted by the House that Clause 29 of the Bill will also ensure that appropriate healthcare professionals may administer medicines while acting within the scope of practice, or following the directions of a prescriber, which will enable healthcare accessibility to smaller communities, such as Little Cayman.

Mr. Speaker, Clause 30 refers to the possession of prescription-only medicines and limits this to appropriate professionals and patients and persons acting on behalf of patients. As such, persons who are unable to retrieve their medications for whatever reason may allow a company, family member, or friend to collect on their behalf.

Clause 31, Mr. Speaker, is a residual power retained from the Pharmacy Act of 1979 to allow control on the supply and labelling of poisons.

Moving on to Part 4 of the Bill, Mr. Speaker, which comprises Clauses 32-36. This Part sets out the means of enforcing the Act by appointment of inspectors to the Council, and gives such inspectors the appropriate powers to enter, inspect, search and take samples of anything found which they suspect to be a medicine and which they reasonably believe to be linked to the commission or intent to commit an offence.

The Bill also provides restrictions on the power of entry such that inspections are carried out after notice has been given to the owner of the said property, preferably in writing. Mr. Speaker, this particularly applies to the protection given to places of residence in order for the inspector to enter only with the explicit permission of the owner or, if authorised, under a Magistrate's warrant.

Mr. Speaker, I plead for a little more of your attention and that of this honourable House, as I present the last Part of the Bill, Part 5, which addresses various miscellaneous elements. Importantly, it protects from liability and indemnifies the registrar, inspectors, members of the Pharmacy Council and the Chief Medical Officer from acts done in good faith within the exercise of the power and functions of the Act.

Part 5 also binds these individuals to not disclose information intentionally or recklessly, unless for the explicit purpose connected with the Act; provides for appeals against the decision of the Council; and allows the Cabinet to make Regulations on the advice of the Council, the Chief Medical Officer, or the Chief Nursing Officer on aspects relating to Regulations, prescribing, and safe use of medicines controlled under this Act.

A few other changes reflected in the Bill are: The definition of "scope of practice" will now reflect the same definition as in the Health Practice Act (2001 Revision). On March 20, 2024 the Pharmacy Council produced the scope of practice for pharmacists and pharmacy technicians to ensure proper regulation and professional compliance of registered practitioners in the field of pharmacy. All licences—importing, manufacturing, wholesaling and dispensing of medicines may be renewed, and the Chief Medical Officer and Director of Agriculture have been included, as they may import approved medicines.

Mr. Speaker, this Act repeals all former legislation, explicitly, the Pharmacy Act of 1979 and the Pharmacy Act of 1991.

In closing, Mr. Speaker, the Pharmacy Act of 1979 cannot withstand the current needs associated with the inner workings of the pharmacy profession, nor does it provide the necessary assurance for proper safety protocols for the people of these Cayman Islands. The Pharmacy Bill of 2024 will not only promote and facilitate safety and efficacy within the pharmacy profession, but will also positively impact the public's perception and trust in our local healthcare system. This Bill is an overarching piece of legislation capable of answering the needs of a modern healthcare community, and the people of our Islands deserve nothing less.

Mr. Speaker, I would like to thank the members of the Legislative Drafting Unit and Portfolio of Legal Affairs (POLA); all consultees; and the staff of my Ministry, who have worked tirelessly and expeditiously to bring this over this golden, almost finish-line.

I look forward to the support of all members of this honourable House in helping to strengthen Cayman's healthcare system by the passing of this important piece of legislation; therefore, Mr. Speaker, I commend this Bill entitled the Pharmacy Bill, 2024 to this honourable House in this second reading.

Thank you.

The Speaker: Thank you, Madam Minister.

The Bill has been duly presented. Does any Member wish to speak? The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition:

Thank you again, Mr. Speaker, for the opportunity to, very quickly, signal our support for the Bill before us.

This Bill, I have to say, has also been long coming, [and] I congratulate the Minister and the Ministry for getting it before this honourable Parliament. I was heartened to hear her say they consulted with the industry and it is supportive of the Bill as it presently stands; and I have to say that accords with what we have seen since the Bill was first exposed and released.

Mr. Speaker, we've not received any feedback from industry with regard to the Bill and normally, if they have problems with it, the Opposition is the first place they go to air their grievances and to seek support for hearing and further discussion. That hasn't happened, so I'm heartened by the fact that it would appear that the industry is supportive of this Bill. I think that is truly a key element of the success of any Bill, and so I look forward to supporting it at the appropriate time.

Thank you.

The Speaker: Thank you, Mr. Leader.

We have now reached the moment of interruption. If we are to proceed, I will need to have a Motion to suspend Standing Order 10(2) in order that business of the House may continue beyond the moment of interruption.

Suspension of Standing Order 10 (2)

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker. I hereby move for the Suspension of Standing Order 10(2) so the business of this House can proceed beyond the hour of interruption.

The Speaker: Thank you. The question is that Standing Order 10(2) be suspended in order that the business of the House may continue beyond the moment of interruption.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: In relation to Pharmacy Bill, 2024, does any other Member wish to speak? The honourable Member for Bodden Town West.

Mr. Christopher S. Saunders: Thank you, Mr. Speaker.

Mr. Speaker, my contribution will be very brief. Firstly, I want to thank the Government for bringing this long-overdue Bill. The Minister referred that she was five years old when the last Bill came into effect; I was only six years old when it did, so I understand where she's coming from.

I have a couple of reservations, Mr. Speaker. To borrow a lesson that you taught me my first term, "*Never let the perfect be the enemy of the good*," this is definitely a good place to start moving this Bill forward because, like I said, it's long overdue.

My observation, and maybe it is something that the legal drafting team can look at— because I don't think it's something mainly material, maybe more from my understanding— are some of the fines they have within different sections. To give an example to honourable Members and persons listening, on page 14, which deals with importation of medicines, it says, "**A person may import an approved medicine as follows—**," and sets a criterion. It goes on to say in sub Clause (2), "**A person who imports a medicine except as specified in this section commits an offence and is liable on conviction to a fine of \$10,000 or to imprisonment for a term of two years, or to both**"; but when you go to page 20, Clause 15 speaks about dealing with non-approved medicine. It basically says, "**A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$20,000 or imprisonment for a term of five years, or to both.**"

Looking at [Clauses] 3 and 15, if you're doing something that is not in the approved list, then it means it's technically not approved, so the fines should be closely aligned. It could be my misinterpretation of it, I don't know— but I understand the drafters' intention.

The other issue for me, Mr. Speaker, is search and seizure— going into residences. I know it mentions specifically getting a warrant by a Magistrate. I want to ensure that when we say Magistrate we mean Magistrate, and it is not a situation where someone runs to a Justice of the Peace in the middle of the night; because in this House we have already seen how it has costed the taxpayers of this country millions of dollars when Justices of the Peace sign such warrants. I know of two cases off the bat, so maybe the Attorney General can clarify that under the law.

Outside of that, Mr. Speaker, I am very happy to see this Bill being brought. I know the Regulations deal with the enforcement part of it, which is done by Cabinet and not something that will come to this honourable House, so I'll trust the Government in that

regard. It seems that it was widely consulted; as the Honourable Leader of the Opposition said, I, too, received no major objections from anyone in the public and normally they would complain. It seems like it's definitely a good step forward, so I will definitely be supporting it.

Thank you, Mr. Speaker.

The Speaker: Thank you, honourable Member.

Does any other Member wish to speak? [Pause] Does any other Member wish to speak? [Pause] The Honourable Member for Newlands.

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

Mr. Speaker, I'll be brief. I rise to join other Members who have spoken to this Bill to indicate my complete support for it. It is, as has been noted, a Bill that is a long time coming to fully and properly regulate the manufacturing, dispensation and importation of medicines. This obviously has significant public health and safety implications, so it is significantly important to the people of this country.

I know a tremendous amount of effort has gone into this. I congratulate the Minister and all the members of the Ministry in doing the necessary work as has been indicated, to ensure that there's wide and full public consultation in respect of this. I know in the past there have been attempts and there was pushback, so to get to this point without any significant negative responses from the industry is reflective of the good work that has been done in respect of getting this Bill here.

Thank you; [and] congratulations again to the Minister and the team. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member. Does any other Member wish to speak? [Pause] Does any other Member wish to speak? [Pause] The Honourable Acting Premier.

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker. I'll be brief. It's really just to thank the Honourable Minister, on behalf of the Government, for taking up the challenge of moving, dealing with and evolving outdated legislation. It's not easy.

I'm sure it took painstaking efforts with her staff in the Ministry, legal drafting; consultation would have needed to be done. I've been there myself, and I know it's a monumental task, so I applaud the Minister, her team, all who support it and the industry and the Opposition for their support to evolve this outdated legislation.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Acting Premier. Does any other Member wish to speak? [Pause] Does any other Member wish to speak? [Pause] Does any other Member wish to speak? [Pause]

If no other Member wishes to speak, I'll call on the Honourable Minister to exercise her right of reply.

Hon. Sabrina T. Turner: Thank you, Mr. Speaker.

To say humbled and honoured is an understatement, getting this piece of legislation to where it is today. I must applaud, again, and give thanks publicly to those who have contributed to this piece of legislation and those who haven't spoken, but I know I've received their tacit support. For all of the persons engaging this piece of legislation to make sure that we got it right at this juncture.

The consultation period was even extended beyond what was normal, and I must say that we, the Ministry, have demonstrated that, when it comes to taking up a data-driven approach, it is not just lip service. It has definitely been proven, based on the level of public consultation with industry and stakeholders, the involvement of the Pharmacy Councils— and externally. Making sure that we are engaged from an international standpoint, breaking down silos, collaborating, et cetera. I'm just so happy for the buy-in from the community and definitely moving this outdated piece of legislation to now being on the Floor of Parliament today, presenting and Tabling the Pharmacy Bill, 2024.

Now, in regards to some of the issues that were brought up, those will be addressed at the Committee Stage. If there's anything that will be there and that language will be sorted out to allay any fears of misinterpretation. I am sure our legal drafting team will definitely ensure that it aligns with any issues or flaws that have been pointed out.

Mr. Speaker, I want to thank everyone, my colleagues, Cabinet, the Ministry team, and all of those persons who have made this possible for us to reach this milestone for the betterment of pharmacy and legislative governance here in the Cayman Islands. This is a huge step for us.

Thank you.

The Speaker: Thank you, Honourable Minister.

The question is that a Bill shortly entitled Pharmacy Bill, 2024 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Pharmacy Bill, 2024 was given a second reading.

The Speaker: Madam Clerk.

Supplementary Appropriation (January 2023 to December 2023) Bill, 2024

The Speaker: Supplementary Appropriation (January 2023 to December 2023) Bill, 2024. I recognise the Honourable Acting Premier and Acting Minister of Finance.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker. I beg to move the second reading of a Bill shortly entitled the Supplementary Appropriation (January 2023 to December 2023) Bill, 2024.

The Speaker: The Supplementary Appropriation (January 2023 to December 2023) Bill, 2024 has been duly moved. Does the Honourable Acting Premier and Acting Minister of Finance wish to speak thereto?

Hon. André M. Ebanks, Acting Premier: Yes, Mr. Speaker.

The Speaker: Please proceed.

Hon. André M. Ebanks, Deputy Premier: Mr. Speaker, the purpose of this Bill is to seek the Parliament's approval for appropriation changes with respect to output groups, various other classifications of operating expenditure, equity investments, and executive assets in respect of the Government's financial year that ended on 31st December, 2023.

Once an initial Appropriation Bill for a financial year has been approved by Parliament the Bill, upon its approval by Parliament, becomes the Appropriation Act for a particular financial year. Such an Act establishes what is commonly referred to as 'the budget' for a financial year. Mr. Speaker, there are three ways in which the budget amounts contained in an Appropriation Act can be changed during the course of a financial year:

- Firstly, section 11(5) of the Public Management and Finance Act allows the Cabinet to make such changes;
- Secondly, section 12(2) of the Act allows Finance Committee to approve changes to an established Appropriation Act; and
- Thirdly, section 25 of the Act permits Parliament to authorise changes to an already approved Appropriation Act.

This Bill arises in respect of the Government's use of these Sections of the Act.

Mr. Speaker, when a government utilises the mentioned sections to make changes to figures contained in an Appropriation Act, the Act requires that such changes be included in a Supplementary Appropriation Bill which must be presented to Parliament. This explains the existence of the Bill now before the House. It satisfies a legal requirement that changes to an already approved Appropriation Act must be placed in a single Supplementary Appropriation Bill after a financial year has ended, and that Bill must be presented to the Parliament for its scrutiny and potential approval. Mr. Speaker, I wish to make two additional points.

Firstly, the changes set out in the Schedule to the Bill have already been approved by either Cabinet under section 11, or by Finance Committee itself during 2023, under section 12. The Schedule to the Bill has a total of 124 appropriation changes recorded thereon;

these changes were previously approved by Cabinet under the Act's section 11 and Finance Committee under section 12.

Mr. Speaker, the operating expenditure appropriation changes have a net total of \$113.3 million, whilst the capital expenditure and investment changes total a net \$9.1 million. I have used the word net because there are reductions to expenditures as well as the more numerous and dominant increases to expenditure. A point worth repeating is that the items on the Schedule to the Bill have been previously approved by Finance Committee itself at meetings held in June and September 2023, and by Cabinet under section 11(5) throughout 2023, for which Honourable Ministers and official Honourable Members of Cabinet would have made statements in the House throughout 2023, that explained the need for granting approvals for such items.

Secondly, Mr. Speaker, it is the Government's reasonable expectation that given the circumstances explaining the origin of this Supplementary Appropriation Bill— that it is a legal administrative exercise with respect to supplementary expenditures that have already been approved— the Finance Committee process which must follow the second reading of the Bill will also proceed accordingly.

Mr. Speaker, this Bill indicates changes that can be categorised as follows:

- Items on the Schedule to the Bill where Cabinet has legally empowered to do so under section 11(5) were made to the 2023 financial year budgets; and
- Items on the Schedule to the Bill that Finance Committee itself approved in June and September 2023, under section 12.

Mr. Speaker, the significant appropriation changes included in the Bill are:

- \$34 million which reflects an increase in the budgeted healthcare costs with respect to indigents, seafarers and veterans and their dependents;
- \$16.6 million for land acquisitions;
- \$14.9 million for local and overseas scholarships;
- \$10.4 million for major roadworks and miscellaneous road surface upgrades;
- \$9.3 million of additional costs for secondary education services, as requested;
- \$3.6 million is shown in the Schedule to the Bill for additional costs with respect to facilities, maintenance and operational school support services;
- \$3.5 million increase in output funding for education services, including primary and early education support services mainly to address immediate spacing needs in government schools;
- \$2.9 million for the acquisition of a third Twin Otter aircraft to accommodate the current

and growing demand of additional flights to and from Little Cayman;

- \$2.3 million to assist the George Town land-fill remediation works; and
- \$1.7 million for the completion of the Poinciana Rehabilitation Centre.

Mr. Speaker, the Bill consists of three main parts; Clause 1 provides the proposed name of the proposed Act; Clause 2 speaks to the appropriation authority of Cabinet, and the Schedule to the Bill which shows the individual items of appropriation changes that Parliament is being asked to approve.

Mr. Speaker, since all items on the Schedule to the Bill have been previously approved by Cabinet and by Finance Committee itself, the matter now before the House is a legal administrative exercise to codify all of the previously approved changes to the 2023 budget into one document. The Bill is now before the House; I respectfully commend it, and ask all members of the House to support it.

I'd like to thank the Ministry of Finance, particularly the leadership of the Financial Secretary for the preparation of this Bill.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Acting Premier and Acting Minister of Finance.

The Bill has been duly moved. Does any Member wish to speak? *[Pause]* Does any Member wish to speak? *[Pause]* Final call; does any Member wish to speak? The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, just to say that we reserve comments for question time when we are dealing with the Bill in Finance Committee.

The Speaker: Thank you, Honourable Leader of the Opposition.

Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]*

If no other Member wishes to speak, I will call upon the Honourable Acting Premier and Acting Minister of Finance to exercise his right of reply.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker. Much appreciated. I now commend the Bill to the House.

The Speaker: The question is that a Bill shortly entitled the Supplementary Appropriation (January 2023 to December 2023) Bill, 2024 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Supplementary Appropriation (January 2023 to December 2023) Bill, 2024 was given a second reading.

The Speaker: Pursuant to Standing Order 67(1) (b), the Bill now stands referred to Finance Committee.

That concludes the Second Reading of the Bills. The House will now resolve itself into Committee for consideration of the Bills.

House in Committee at 4:55 p.m.

COMMITTEE ON BILLS

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

[Pause]

The Chairman: Good afternoon again, with the leave of the House, may I assume that as usual we authorise the Honourable Attorney General to correct minor errors and such the like in these Bills?

I shall take the absence of a response to be, "yes". Madam Clerk, would you please state the first Bill and read the Clauses.

Firearms (Amendment) Bill, 2024

The Clerk:

Clause 1 Short title

The Chairman: The question is that clause 1, short title, do stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Amendment of section 2 of the Firearms Act (2008 Revision) – definitions and interpretation

The Chairman: Honourable Attorney General.

AMENDMENTS TO CLAUSE 2

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, thank you.

In accordance with Standing Order 52(1) and (2), I, the Attorney General give notice to move the following amendment to the Firearms (Amendment) Bill,

2024: That the Bill be amended in clause 2 by deleting the words “automatic sear” wherever it appears and substituting the words “automatic conversion device”.

The Chairman: Thank you, Honourable Attorney General. The question is that the Bill be amended in clause 2 by removing the words “automatic sear” and replacing them with the words “automatic conversion device”.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Attorney General, Hon. Samuel W. Bulgin: Mr. Chair, I'll take the other amendments on clause 2. I beg that further amendments be done to clause 2 in accordance with Standing Order 52(1) and (2): That the Bill be amended:

- a) in paragraph (b) in the definition of the word “**firearm**” as follows—
 - (i) in paragraph (a) by deleting subparagraph (iii) and substituting the following subparagraph—

“(iii) weapon under subparagraph (i) or (ii) that is a privately made firearm created by the use of a 3D printer, a computer numerical control milling machine or similar computer system and the use of electronic software, downloadable files or similar computer data”; and
 - (ii) by deleting paragraphs, (i) and (ii) appearing after the words “but does not include” and substituting the following paragraphs—

“(i) an antique firearm;
(ii) a flare gun used for sending signals or carried as a necessary part of safety equipment in the course of navigation at sea except where the flare gun is adapted to discharge ammunition; or
(iii) a spear gun;”;
- b) in paragraph (d) as follows—
 - (i) by deleting the definition of the words “**air-soft weapon**”;
 - (ii) by deleting the definition of the word “**prohibited ammunition**” and substituting the following definition—

“**prohibited ammunition**” means any

—

- (a) projectile manufactured to be discharged from an artillery;
- (b) incendiary type ammunition;
- (c) armour piercing or similar ammunition;
- (d) ammunition design adapted to contain, or otherwise capable of containing, a noxious liquid, gas or thing;
- (e) ammunition that is designed

- i. to explode on impact; or
- ii. to change its components on or before impact, except ammunition of .22 calibre or below; or
- (f) other type of calibre of ammunition as may be prescribed;”;

- (iii) in the definition of the words “**prohibited device**”, by deleting paragraph (b) and substituting the following paragraph—

“(b) reloader;”;

- (iv) in the definition of the words “prohibited weapon” by deleting paragraph (i) and re-numbering accordingly; and

- (v) by deleting the definition of the words “**3D printed firearm**” and substituting the following definition—

“**“3D printed firearm”** means a lethal barrelled weapon which discharges or is designed to discharge any shot, bullet or other projectile and that is mostly manufactured by the use of a 3D printer, computer numerical control milling machine or similar computer system and the use of electronic software, downloadable files or similar computer data.”.

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

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 2 passed.

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

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

AYES.

The Chairman: The Ayes have it.
Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3 Amendment of section 3 - restriction on importation or exportation of firearms and bulletproof vests

The Chairman: Honourable Attorney General.

AMENDMENTS TO CLAUSE 3

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

I move that the Bill be amended in clause 3 as follows—

- (a) in paragraph (c), in the new subsection (1B), by deleting the words “regarding possession and use” and substituting the words “regarding licences, permits, possession and use”; and
- (b) in paragraph (d), in the new subsection (3C), by deleting the words “under subsection (3A)(b)” and substituting the words “under subsection (3A)(a)”.

Thank you.

The Chairman: The amendment to clause 3 has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.
Agreed: Amendment to clause 3 passed.

The Chairman: The question now is that clause 3, as amended, stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.
Agreed: Clause 3, as amended, passed.

The Clerk:

Clause 4 Repeal and substitution of section 4 - travellers to make declaration of firearms and bullet-proof vests

Clause 5 Repeal and substitution of section 5 - traveller's option

Clause 6 Repeal and substitution of section 6 - custody of firearms and bullet-proof vests by customs officer

Clause 7 Amendment of Section 7 - firearms and bullet-proof vests not to be deemed to be imported into the Islands in certain circumstances

Clause 8 Amendment of section 8 - restrictions upon acquisition or disposal of firearms and bullet-proof vests

Clause 9 Amendment of section 9 - restrictions on delivery of firearms

Clause 10 Insertion of new section 9A - restriction on acquisition: two or more manufacturers of component parts

The Chairman: The question is that clauses 4 to 10 stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.
Agreed: Clauses 4 to 10 passed.

The Clerk:

Clause 11 Insertion of new section 12A - restrictions relating to alteration of ballistic signature or conversion into firearm

The Chairman: Honourable Attorney General? There's an amendment to this clause.

AMENDMENT TO CLAUSE 11

The Attorney General, Hon. Samuel W. Bulgin: Mr. Chair, thank you, sir. I beg to move the amendment to clause 11 as follows —

- (a) in subsection (1) by deleting paragraph (a) and substituting the following paragraph—
 “(a) except where repairs are notified under subsection (2), do anything to a firearm that alters the ballistic signature of the firearm;” and
- (b) by inserting after the new subsection (1) the following Subsection and renumbering accordingly —
 “(2) Prior to effecting repairs to a firearm, the Commissioner shall be notified of any —
 (a) repairs to be effected to the firearm, including any component parts that are to be replaced; and
 (b) other details as may be required,
 and the notification and required details shall be

provided in the form and manner as may be prescribed.”.

I thank you, sir.

The Chairman: The amendment to clause 11 has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stands part of the clause?

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 11 passed.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 11, as amended, passed.

The Clerk:

Clause 12 Amendment of section 15 –
possession and use of firearms and
bullet-proof vests.

The Chairman: There's an amendment to clause 12.

AMENDMENT TO CLAUSE 12

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

Mr. Chair, I would like to move amendment to clause 12 as follows —

- (a) in paragraph (d), in the new subsection (4A)(a), by inserting after the words “a prohibited device” the following words “except where permitted by this Act”; and
- (b) by deleting paragraph (e) and substituting the following paragraph—
 - “(e) by repealing subsection (5) and substituting the following subsections —
 - “(5) Subject to subsection (6) and (7), a person who contravenes —
 - (a) subsection (1) commits an offence and, subject to section 39, is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty (20) years, or to both except that where the firearm is a prohibited weapon the persons is liable on

conviction to the penalty under paragraph (d);

- (b) subsection (3) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty (20) years, or to both;

- (c) subsection (4A)(a) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of ten (10) years, or to both; and

- (d) subsection (4A)(b) commits an offence and is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five (35) years, or to both.

- (6) For the purposes of subsection (5)(c), an offence in relation to possession is not committed where the prohibited device is a specified prohibited device that is in the person's possession in accordance with an Order under section 3(1B).

- (7) Where the contravention under subsection (4A)(a) is in respect of a reloader, the person is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty (20) years, or to both.”.

Thank you, sir.

The Chairman: The amendment to clause 12 has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 12 passed.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 12, as amended, passed.

The Clerk:

Clause 13 Insertion of new section 15A - prohibition on storing or stockpiling prohibited weapons and prohibited ammunition

AMENDMENT TO CLAUSE 13**The Attorney General, Hon. Samuel W. Bulgin:**

Thank you, Mr. Chair. In accordance with Standing Order 52(1) and (2), I move that the Bill be amended by deleting clause 13.

The Chairman: The question is that the Bill be amended by deleting clause 13.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 13 deleted.

The Clerk:

Clause 14 Amendment of section 18 - restrictions relating to the discharge and carriage of firearms and the wearing of bullet-proof vests

The Chairman: There's an amendment.

AMENDMENT TO CLAUSE 14**The Attorney General, Hon. Samuel W. Bulgin:**

Thank you, Mr. Chair. That the Bill be amended in clause 14 by deleting the words "prohibited device" wherever they appear and substituting the words "prohibited weapon".

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

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 14 passed.

The Chairman: The question now is that clause 14, as amended, stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 14, as amended, passed.

The Clerk:

Clause 15 Insertion of new section 18A - prohibition on manufacture or supply of firearms or ammunition

The Chairman: Honourable Attorney General; there is an amendment.

AMENDMENT TO CLAUSE 15

The Attorney General, Hon. Samuel W. Bulgin: I move that the Bill be amended in clause 15, in the new section 18A, by deleting subsections (1) and (2) and substituting the following subsections —

"(1) A person shall not —

(a) assemble;

(b) manufacture (including create by the use of a 3D printer, a computer numerical control milling machine or similar computer system and the use of electronic software, downloadable files or similar computer data); or

(c) supply, any firearm, ammunition or firearm parts kit.

(2) A person shall not access, download or have in the person's possession electronic software, downloadable files or similar computer data that pertain to a firearm and that are capable of being used with a 3D printer, a computer numerical control milling machine or similar computer system with the intent to assemble, manufacture or supply a firearm derived from the electronic software, downloadable files or similar computer data."

Mr. Chair, this is important because, as I mentioned during my debate, I think there was a misunderstanding that the Government was attempting to criminalise the possession of 3D printers.

What we are really after is a software that can be used by 3D printers to create a firearm; hence, we insert the words "with the intent to assemble, manufacture or supply a firearm derived from the electronic software, downloadable file or similar computer data"—just to clarify.

Thank you, sir.

The Chairman: Thank you, Honourable Attorney General. The amendment has been duly moved. Does any Member wish to speak thereto? Minister Bryan.

Hon. Kenneth V. Bryan: Thank you, Mr. Chair.

I think this would be a great opportunity for me to highlight this specific word in the amendment to the clause which speaks to the intent. I, like many members of the Government have received concerns about

software that can be used in a double purpose, particularly those of engineers.

There's a particular software called AutoCAD which engineers use to help develop engineering plans. When used with a 3D printer, this software has the potential to build a device and there were concerns whether, with this programme's commonality within the engineering community, they would be breaking the law to have it.

Since speaking with our legal advisors, as per the development of this piece of legislation, the key-word is the *intent* whereby, you could have a software which has limitless potential— even that of printing a firearm; but the burden of proof would have to be on the person having software, having a 3D printer, and having the *intention* to create a firearm, not the mere fact of simply owning the software.

Mr. Chairman, I highlight this only to give comfort to those within the engineering community, that this Law will not prohibit them from having the necessary software called AutoCAD, currently being used within the industry, which helps developers produce many of our developing functions.

Thank you, Mr. Chair.

The Chairman: Thank you, Mr. Bryan.
Mr. Seymour.

Hon. Dwayne S. Seymour: Thank you, Mr. Chair. For my edification and for the record, I'd like the honourable Member to—

The Chairman: Which honourable Member?

Hon. Dwayne S. Seymour: Sorry. The Honourable Attorney General.

It is noted in the clause, in terms of the penalty, "a person who contravenes the provision is liable of conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five (35) years, or to both." I'm just trying to ascertain that this is up to—?

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Mr. Chair. Thank you, Minister. It is, yes. The amount is an outer limit, so it would be from \$1 up to the maximum amount or from one day up to thirty-five (35) years. It's just a range. Thank you.

The Chairman: Does any other Member wish to speak? *[Pause]*

If no Member wishes to speak, the question is that the amendment stands part of clause 15.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 15 passed.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 15, as amended, passed.

The Clerk:

Clause 16	Amendment of section 19 - types of licences and permits
Clause 17	Amendment of section 21 - general provisions as to grant an issue of licences and permits
Clause 18	Insertion of new section 30A - collection and storage of ballistic signatures
Clause 19	Amendment of section 35 - search warrants

The Chairman: The question is that clauses 16 to 19 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 16 to 19, passed.

The Clerk:

Clause 20	Amendment of section 37 - custody of firearms
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AMENDMENT TO CLAUSE 20

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Mr. Chair. That the Bill be amended in clause 20 by deleting paragraph (b) and substituting the following paragraph —

"(b) in subsection (2), by repealing paragraph (a) and substituting the following paragraph —

"(a) to the holder of a Firearm User's (Restricted) Licence in respect of a similar type of firearm in instances where the period of absence from the Islands is seven days or less;" and".

Mr. Chair, the Honourable Deputy Leader of the Opposition had observations about 'seven days or less' and proposed during the discussion that some consideration be given to changing the provision. I conferred with the police and they are not minded to, Mr. Speaker, but the honourable Member is entitled to raise the matter on the Floor.

Thank you.

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

Mr. Joseph X. Hew, Deputy Leader of the Opposition, Elected Member for George Town North: Thank you, Mr. Chairman.

Mr. Chairman, there was much discussion surrounding this amendment and I believe that whilst the Sports Shooting Association advocated for the amendment as it stands, there were further questions around a few things. One being, should there actually be a shorter period of time where a licenced firearm holder is leaving the jurisdiction, let us say, for just two nights? I think an example was used whereby perhaps members of the Sports Shooting Association attended an event overseas for a weekend, it would be nine people showing up to relinquish their guns to the Commissioner of Police, otherwise finding someone to hold the nine guns.

The question was— considering that we have very high standards for the safekeeping of licenced firearms in the country with annual inspections, very high standards of the safes that have to be used, everyone invests in alarms, et cetera— is it necessary to have everyone find someone to hold their licenced firearm or to turn in their licence firearm? It's only if the licence holder leaves the jurisdiction, so if the licence holder does a staycation on the opposite side of the island, or perhaps on one of the other three Islands, this doesn't apply to them. If they do a weekend staycation, they have not left the jurisdiction, so it does not apply. [What] if they travel for two days or three nights or two nights? [These] were some of the concerns.

Attorney General, the other question was just to clarify that this only applies to the firearm and not the ammunition, or is ammunition included?

[Pause]

Mr. Joseph X. Hew, Deputy Leader of the Opposition: Mr. Chairman, just for clarity, the amendments read that if you were leaving the jurisdiction, you had to turn in your firearm or firearms to the Commissioner of Police. The amendment before us now allows the permit holder to have someone with a similar licence for the type of firearm to hold that firearm for them, should they leave the jurisdiction for a period of seven days or less.

Outside of that, if you are leaving the jurisdiction you have to turn in your firearm to the Commissioner of Police. My second question on that is: Does it include the ammunition or just the firearm?

The Chairman: Mr. Hew, thank you for raising that point, but it raises a bigger point with me; now, I know I'm the Speaker, and I don't really have a voice, but am I understanding what you are saying to mean that anyone who holds a restricted licence for a firearm has to give them to the police every time they leave Cayman?

[Inaudible interjection]

The Chairman: Forgive me for saying this, but this is absolute madness.

An Honourable Member: Yes, sir!

The Chairman: Absolute madness. The police do not have the capacity to deal with it. I know I probably said too much already, but it's absolute madness and it's going to result in nothing but chaos. I'm a holder of a restricted firearm licence— which I've had in my possession for twenty-odd years. It's been fine in the safe; now I have to take it out of my safe to give it to a police officer who may leave it in the police car when he stops to get coffee.

[Inaudible interjection]

The Chairman: It's madness!

[Crosstalk]

Hon. Kenneth V. Bryan: Mr. Chair, I think it's important that we apply a bit of clarity to the proposed changes. Though I agree with you wholeheartedly that it may be impractical—

The Chairman: Minister Bryan, before you go on, the Attorney General is considering it. I really would like his response because this is a massive issue. I'm surprised nobody raised it in the debate.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Mr. Chair. As I said, the police's position is that they would prefer it remain this way, although they are not dying in a ditch for it; but just to point out for Members' benefit— and I don't know if I should tell you so on the air, but if you look at the current legislation it says you shall do so.

[Laughter]

The Chairman: Honourable Attorney General, I don't know of anyone who does, and—.

[Crosstalk]

The Chairman: Where would the police put these weapons?

[Inaudible interjection]

The Chairman: Well, we are going to give it currency now if we pass the Bill in this form. I repeat— and I know I'm stepping over the line: It's madness.

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker— and I think Minister Bryan wants to speak; if

it is that the Members think it is more practical to change it, the police wouldn't be violently opposed to it. What they're really concerned about is that there's some safety and accountability when persons are travelling.

The Chairman: Honourable Attorney General, I've just gone through the process of having my premises, my safe, everything, inspected. The police took details of everything, including where the cameras are.

What are we risking now, in my view, is forcing firearm licence holders to remove their firearms from a place which the police have approved as safe, to hand them to a police officer who, quite frankly, you don't know what could happen to them after that. Then if they get many— because people in Cayman travel all the time— what are they going to do with them? They're *gonna* give me Minister Bryan's gun when I go to get mine.

Hon. Kenneth V. Bryan: Mr. Chair, I think it's important for the record that everybody in this country knows that I do *not* own a licenced or unlicensed firearm—

[Laughter]

Hon. Kenneth V. Bryan: Just for the record. Thank you.

The Attorney General, Hon. Samuel W. Bulgin: Mr. Chair, thank you, sir. The truth is that I think this provision was crafted at a time when the circumstances were different. You just mentioned about your premises being hardened, and I think that's the case for most firearm holders now; their premises have been hardened and they have surveillance equipment such that they can monitor their premises irrespective of where in the world they are.

As I said, it is a Committee Stage Amendment, and if Members feel very strongly about it, then clearly it is something that I think the Government can live with, given the police's position on it. They weren't prepared to die in a ditch for it.

The Chairman: Honourable Attorney General and Members, I have already stepped over the line. I better not say anymore. It's really in the hands of the Committee to decide what you wish to do, but I don't think anyone is in doubt of what I think about it.

Mr. Joseph X. Hew, Deputy Leader of the Opposition: Mr. Chair, through you, sir. Just to say, I do not own a firearm, but I see this as problematic because there are questions. I think there is a huge concern, and we brought the examples. It is very possible that ten or a dozen persons from the Sports Shooting Association could decide to travel together one weekend. The movement of the guns just for two nights, is going to be problematic.

For me, the practical side is that if you live in Grand Cayman and you go to the Sister Islands for two weeks, it doesn't matter because you haven't left the jurisdiction. It doesn't matter if you are in Grand Cayman or not, your alarm is still going to go to your security company or to 9-1-1, or if you get it on your phone, you can still call the police as ably as you can if you are in Cayman or overseas. In that sense, it just doesn't make a whole lot of sense to me.

There were many others who raised concerns. I raised it during my debate, but said that we had quite a bit of discussion and the Attorney General had undertaken to go and speak with the Commissioner on the matter; but there were many others in the group who are licenced, or permitted firearm owners, who had real issues with it as well.

Again, I know the process. I know how difficult it is to get your place to pass the inspections needed for you to own and store your firearm. Is it necessary that every time you leave the country you have to either hand it in to the Commissioner or have a friend with a similar licence hold your gun— and I said in the meeting, that I haven't met that friend yet with whom I would leave my firearm.

[Inaudible interjection]

The Chairman: Acting Premier Ebanks.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Chair.

As the Deputy Leader of the Opposition mentioned, when we were in suspension and we were in the committee room yesterday this point was raised and we acknowledged the historical, probably hangover in the existing legislation, and we discussed this at length. What I'd propose is that we take a five-minute recess, if you would allow, so that the Attorney General can meet with his team to propose an amendment and we deal with this today.

The Chairman: I think that the suggestion of a suspension is a very good one, but five minutes has never proven to be enough.

[Laughter]

The Chairman: Shall we try to resume at six?

Hon. André M. Ebanks, Acting Premier: Yes, sir.

The Chairman: The Committee will suspend until six o'clock.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Chair.

Committee suspended at 5:43 p.m.

Committee resumed at 6:39 p.m.

The Chairman: Good evening, Committee is resumed. I just want to say that we should take parliamentary notice that a five-minute suspension is actually sixty-minutes long.

[Laughter]

The Chairman: Madam Clerk.
Mr. Bulgin.

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

Madam Clerk, I am guided by you. We were debating paragraph eight of the existing Committee Stage Amendment which is clause 20. With this (new) replacement, do I formally apply to withdraw paragraph eight?

[Inaudible interjection]

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

Mr. Chair, with your leave, I seek to move a Motion to withdraw paragraph eight of the existing Committee Stage Amendment and to substitute therefore, the one-page amendment that has been circulated honourable Members as it relates to clause 20.

The Chairman: The Motion has been moved. Those in favour of the withdrawal of the current paragraph eight of the Committee Stage Amendments relating to the Firearms (Amendment) Bill and the replacement with the wording that has just been circulated, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Paragraph eight of the original Notice of Committee Stage Amendment (No. 2) is withdrawn, and substituted therefore is Committee Stage Amendment (No. 3), which has recently been circulated to Members.

Agreed: Paragraph 8 of the original Notice of Committee Stage Amendment is withdrawn.

The Chairman: Mr. Bulgin, essentially, we need you to move Amendment (No. 3).

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

Mr. Chair, in accordance with the provisions of Standing Order 52(1) and (2), I, Honourable Attorney General move the following notice of further amendments to the Firearms (Amendment) Bill, 2024 as circulated in Notice of Committee Stage Amendment (No. 3). The amendment reads, sir:

1. That the Bill be amended in clause 20 by deleting paragraph (b) and substituting the following paragraph -
“(b) by repealing subsection (2) and substituting the following subsection –
“(2) Where any holder of any Firearm User’s (Restricted) Licence is about to leave the Islands for twenty-one days or more and does not desire to take the firearm and ammunition to which such licence relates, the holder shall, before leaving the Islands, deliver the firearm and ammunition to the officer in charge of a police station.”; and”.

Thank you.

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

If no Member wishes to speak, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 20 passed.

The Chairman: The question now is that clause 20, as amended, stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 20, as amended, passed.

The Clerk:

Clause 21 Amendment of section 39 - minimum sentences for certain offences

The Chairman: Honourable Attorney General. There is an amendment to clause 21.

AMENDMENT TO CLAUSE 21

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

Mr. Chair, in accordance with Standing Order 52(1) and (2), I move the follow amendments to Clause 21 Amendment of section 39 - minimum sentences for certain offences. The principal Act is amended in section as follows—

The Chairman: Excuse me, Mr. Bulgin, I believe you need to start with paragraph nine, because we're deleting clause 21.

The Attorney General, Hon. Samuel W. Bulgin: Yes, thanks.

That the Bill be amended by deleting clause 21 and substituting the following clause —

“Amendment of section 39 – minimum sentences for certain offences

21. The principal Act is amended in section 39 as follows —

(a) in subsection (1) as follows —

(i) in paragraph (a), by deleting the words “under section 3(3), 15(5)” and substituting the words “under section 3(3), 3(3A)(b), 15(5)(a), 15(5)(c)”; and

(ii) by deleting paragraph (c) and substituting the following paragraph —

“(c) the offence is in respect of a firearm or a prohibited weapon.”; and

(b) in subsection (2) as follows —

(i) in paragraph (a), by deleting the words “at least seven years” and substituting the words “at least ten years”; and

(ii) in paragraph (b), by deleting the words “at least ten years” and substituting the words “at least fifteen years”.

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

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 21 passed.

The Chairman: The question now is that clause 21, as amended, stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 21, as amended, passed.

The Chairman:

Clause 22 Repeal and substitution of section 40 - restriction on eligibility for release on licence

The Chairman: There is an Amendment, Honourable Attorney General

AMENDMENT TO CLAUSE 22

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

Mr. Chair, in accordance with Standing Order 52(1) and (2), I move the following amendment that the Bill be amended in clause 22, in the new section 40, as follows —

(a) by deleting paragraph (b) and substituting the following paragraph —

“(b) contravenes section 3(1A)(b) and is convicted and sentenced under section 3(3A)(b);” and

(b) by deleting paragraph (c) and substituting the following paragraph —

“(c) contravenes section 15(1) and is convicted and sentenced under section 15(5)(a); or”.

Thank you, sir.

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

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 22 passed.

The Chairman: The question now is that clause 22, as amended, stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 22, as amended, passed.

The Clerk:

Clause 23 Amendment of Section 41 - forfeiture of firearms

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

AMENDMENT TO CLAUSE 23

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Mr. Chair. I beg to move the amendment, in accordance with Standing Order 52(1) and (2), that the Bill be amended in clause 23 by deleting paragraph (d) and renumbering accordingly.

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

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 23 passed.

The Chairman: The question now is that clause 23, as amended, stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 23, as amended, passed.

The Clerk:

Clause 24 Amendment of section 44 - when provisions shall not apply

[Crosstalk]

AMENDMENT TO CLAUSE 24

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

In accordance with Standing Order 52(1) and (2), I, Honourable Attorney General moved the following amendment that the Bill be amended in clause 24(c), in the new section 44(d), by inserting after subparagraph (iii) the following subparagraph and renumbering accordingly—

“(iv) Cayman Islands Regiment;”.

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

If no Member wishes to speak, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 24 passed.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 24, as amended, passed.

The Clerk:

Clause 25 Transitional.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 25 passed.

The Clerk: A Bill for an Act to amend the Firearms Act (2008 Revision) to amend the definition of “firearm”; to provide definitions for, among other words, “privately made firearm”, “prohibited device” and “prohibited weapon”; to provide for offences relating to, among other things, the importation of prohibited devices and prohibited weapons; to provide for the ban on the manufacture of firearms and the alteration or conversion of firearms; to empower the Commissioner to collect ballistic signatures and information relating to firearms in the Islands; and for incidental and connected purposes.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Title passed.

Summary Jurisdiction (Amendment) Bill, 2024

The Clerk:

Clause 1	Short title
Clause 2	Amendment of section 7 of the Summary Jurisdiction Act (2024 Revision) - appointment of Justices of the Peace
Clause 3	Repeal and substitution of Section 8 - Removal of Justices of the Peace
Clause 4	Repeal and substitution of Section 43D - retention of appointment
Clause 5	Previous exercise of duties by Justices of the Peace not affected
Clause 6	Transitional provisions

The Chairman: The question is that clauses 1 to 6 do stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 6 passed.

The Clerk: A Bill for an Act to amend the Summary Jurisdiction Act (2024 Revision) to provide for the appointment of Members of Parliament as Justices of the Peace *virtute officii*; to restrict Members of Parliament from exercising certain powers, functions or duties of Justices of the Peace to avoid conflict with their role as Members of Parliament; and for incidental and connected purposes.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Title passed.

Perpetuities (Amendment) Bill, 2024

The Clerk:

- | | |
|----------|---|
| Clause 1 | Short title |
| Clause 2 | Insertion of new Part headings in the Perpetuities Act (1999 Revision) – preliminary; rule against perpetuities |
| Clause 3 | Amendment of section 4 - rule against perpetuities |
| Clause 4 | Amendment of section 14 - reformation |
| Clause 5 | Amendment is section 15 - application to the Court |
| Clause 6 | Insertion of new Part 3 - the disapplication of the rule against perpetuities |

The Chairman: The question is that clauses 1 to 6 do stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 6 passed.

The Clerk: A Bill for an Act to amend the Perpetuities Act (1999 Revision) to provide for the disapplication of the rule against perpetuities; to correct typographical errors; and for incidental and connected purposes.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Title passed.**Pharmacy Bill, 2024**

The Clerk:

- | | |
|-----------|---|
| Clause 1 | Short title and commencement |
| Clause 2 | Interpretation |
| Clause 3 | Importing medicines |
| Clause 4 | Manufacturing licence |
| Clause 5 | Wholesale licence |
| Clause 6 | Dispensing licence |
| Clause 7 | Application for licence |
| Clause 8 | Criteria for issuing licence |
| Clause 9 | Decision on licence application |
| Clause 10 | Duration and conditions of licence |
| Clause 11 | Variation, suspension and revocation of licence |
| Clause 12 | Medicine approval |
| Clause 13 | Exceptional use authorization |
| Clause 14 | Emergency use authorization |

The Chairman: The question is that clauses 1 through 14 do stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 14 passed.

The Clerk:

- | | |
|-----------|--|
| Clause 15 | Dealing with non-approved medicine |
| Clause 16 | Supplying a medicine |
| Clause 17 | Compounding a medicine |
| Clause 18 | Altering a medicine |
| Clause 19 | Labelling of medicine |
| Clause 20 | Information accompanying medicine |
| Clause 21 | Vending machines. |
| Clause 22 | Internet and mail order pharmacies |
| Clause 23 | Wholesale of Pharmacy or prescription-only medicine |
| Clause 24 | Prescribing medicine |
| Clause 25 | Altering a prescription |
| Clause 26 | Dispensing a prescription-only medicine |
| Clause 27 | Interchangeable and bio-equivalent generic medicines |
| Clause 28 | Dispensing samples |
| Clause 29 | Administering a prescription-only medicine |
| Clause 30 | Possessing a prescription-only medicine |
| Clause 31 | Supply and labelling of poison |

The Chairman: The question is that clauses 15 through 31 do stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 15 through 31 passed.

The Clerk:

Clause 32	Appointment of inspectors
Clause 33	Powers of inspector
Clause 34	Restrictions on powers of entry
Clause 35	Dealing with seized items
Clause 36	Obstructing an inspector
Clause 37	Approved forms
Clause 38	Protection from liability and indemnity
Clause 39	Confidentiality of information
Clause 40	Appeals
Clause 41	Regulations
Clause 42	Repeals

The Chairman: The question is that clauses 32 through 42 do stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 32 through 42 passed.

The Clerk: A Bill for an Act to repeal and replace the Pharmacy Act, 1979 and the Pharmacy Act, 1991; to regulate the importation, manufacture, wholesale, dispensing and prescribing of medicines; and for incidental and connected purposes.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Title passed.

The Chairman: Honourable Members, that concludes the consideration of the Bills in Committee. The question now is that the Bills be duly reported to the House.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Bills to be reported to the House.

The Chairman: The House will now resume.

House resumed at 7:04 p.m.

REPORT ON BILLS

Firearms (Amendment) Bill, 2024

The Speaker: The Honourable Attorney General.

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

Mr. Speaker. I beg to report that a Bill entitled the Firearms (Amendment) Bill, 2024 has been considered by a Committee of the whole House and passed with several amendments.

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

Summary Jurisdiction (Amendment) Bill, 2024

The Speaker: The Honourable Acting Deputy Governor.

The Acting Deputy Governor, Hon. Gloria McField-Nixon: Thank you, Mr. Speaker.

I am pleased to report that a Bill shortly entitled the Summary Jurisdiction (Amendment) Bill, 2024 was considered by a Committee of the whole House and passed without amendments.

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

Perpetuities (Amendment) Bill, 2024

The Speaker: The Honourable Acting Premier.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker.

I'm pleased to report that a Bill shortly entitled the Perpetuities (Amendment) Bill, 2024 was considered by a Committee of the whole House and passed without amendments.

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

Pharmacy Bill, 2024

The Speaker: The Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner: Thank you, Mr. Speaker.

Mr. Speaker, I am to report that a Committee of the whole House has considered the Bill shortly entitled Pharmacy Bill, 2024 and it passed without amendments.

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

THIRD READINGS

Firearms (Amendment) Bill, 2024

The Speaker: One moment please, Madam Clerk. Remind me, the first readings of these were done yesterday?

[Inaudible interjection]

The Speaker: Okay, fine. Please proceed.

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

Mr. Speaker, I beg to move that a Bill entitled the Firearms (Amendment) Bill, 2024 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled Firearms (Amendment) Bill, 2024 be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Firearms (Amendment) Bill, 2024 was given a third reading and passed.

Summary Jurisdiction (Amendment) Bill, 2024

The Speaker: The Honourable Acting Deputy Governor.

The Acting Deputy Governor, Hon. Gloria McField-Nixon: Thank you, Mr. Speaker.

I beg to move that a Bill shortly entitled the Summary Jurisdiction (Amendment) Bill, 2024 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Summary Jurisdiction (Amendment) Bill, 2024 be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Summary Jurisdiction (Amendment) Bill, 2024 was given a third reading and passed.

Perpetuities (Amendment) Bill, 2024

The Speaker: The Honourable Acting Premier.

Hon. André M. Ebanks, Acting Premier: Thank you, Mr. Speaker.

I beg to move that a Bill shortly entitled the Perpetuities (Amendment) Bill, 2024 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled Perpetuities (Amendment) Bill, 2024 be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Perpetuities (Amendment) Bill, 2024 was given a third reading and passed.

Pharmacy Bill, 2024

The Speaker: The Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner: Thank you, Mr. Speaker.

Mr. Speaker, I beg to move that the Bill shortly entitled the Pharmacy Bill, 2024 be read a third time and passed.

The Speaker: The question is that a Bill shortly entitled Pharmacy Bill, 2024 be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Pharmacy Bill, 2024 was given a third reading and passed.

MOTIONS

GOVERNMENT MOTIONS

Government Motion No. 7 of 2023-2024 Amendment to the Development Plan 1997 Proposed Rezoning: Block 23B Parcels 108, 109, 110, and 111, George Town South and Relocation of Public Open Space

The Speaker: I recognise the Honourable Minister for Planning, Agriculture, Housing, Infrastructure, Transport and Development to move Government Motion No. 7 of 2023-2024.

Hon. Johany S. Ebanks: Thank you, Mr. Speaker.

Government Motion No. 7 of 2023-2024, Amendment to the Development Plan 1997, proposed rezoning of block 23B parcel 108, 109, 110, and 111, George Town South and relocation of a public open space.

WHEREAS on the 10th of May, 2023 (reference CPA/11/23; item 3.1) The Central Planning Authority (CPA) originally considered the request to amend the Development Plan from Low Density Residential, to Beach Resort Residential over Block 23B Parcel 108, 109, 110, and 111. It was resolved to forward the proposal for 60-day public notification and consultation period pursuant to Section 11(2) of the then Development and Planning Act (2021 Revision);

AND WHEREAS the proposed amendments were duly advertised in the *Caymanian Times* newspaper on the 31st of May, and 2nd, 7th, 9th of June 2023, in accordance with Section 11(2) of the Development and Planning Act (2021 Revision), with public consultation closing on August 8th 2023. Persons were invited to view the application at the Department of Planning for comment. During this public consultation period no letters of objection were received on the proposed amendment;

AND WHEREAS on the 8th of November 2023 (CPA/26/23; item 3.2) the Central Planning Authority again considered the proposal and in light of receiving no objections it was resolved to forward the rezone application to the Ministry of Planning, Agriculture, Housing and Infrastructure for onward transmission to the House of Parliament, subject to Cabinet approval;

AND WHEREAS on the 28th of May 2024, Cabinet considered the rezoning application, and approved that the matter be referred on to the Parliament for consideration.

BE IT NOW THEREFORE RESOLVED—

The Speaker: Honourable Minister, I have just read this Motion carefully. I believe that the paragraph that you are about to read now is in fact not a resolution but a recital, because the Parliament can't resolve what is provided there. If you would simply read it as "WHEREAS in accordance with Section 10(3)", because the Parliament cannot resolve something that another agency is doing— in this case, the Central Planning authority.

Hence, instead of reading it, "BE IT NOW THEREFORE RESOLVED", read it as, "WHEREAS in accordance with" and then it's all fine. The only resolution for this Parliament is the last one.

Hon. Johany S. Ebanks: WHEREAS in accordance in Section 10(2)(b) of the Development and Planning Act (2021 Revision), the Central Planning Authority hereby recommends and submits to the Parliament the following proposal for alteration to the Development Plan 1997, a summary and maps of which are attached hereto;

AND BE IT FURTHER—

The Speaker: No— "...and be it resolved".

Hon. Johany S. Ebanks: Sorry.

BE IT RESOLVED to alter the zoning area of Registration Section George Town South, Block 23B Parcels 108,109, 110 and 111, from Low Density Residential to Beach Resort Residential, and to relocate an area zoned Public Open Space to the western boundary of the property.

The Speaker: The Motion is duly moved. Does the Honourable Minister wish to speak thereto?

Hon. Johany S. Ebanks: Yes, sir.

Mr. Speaker and honourable Members, I rise to present to you the Motion to rezone the specific parcels of land in George Town South registration section to bring the zoning in line with the current land use and better facilitate future development plans.

The area in question pertains to block 23B parcel 108, 109, 110 and 111. These parcels straddle different zoning classifications due to the realignment of the South Sound Road, resulting in a confusing and inefficient zoning map; specifically, the area has multiple zones— including a beach resort residential and low density residential— and a redundant road designation. Additionally, there is a section labelled Public Open Space that lacks accessibility and connectivity due to the realignment of the South Sound Road many years ago,

Areas of the parcels originally designated as separate zones should have been unified. There was also a portion of the land still designated as road, even though it was decommissioned following the road realignment. Additionally, the current Public Open Space is not accessible without trespassing over private lands, so the Central Planning Authority considered the application to rezone the specific parcels.

On May 10th, 2023, the proposal was forwarded for a 60-day public notification and consultation period, as mandated by section 11(2) of the Development and Planning Act (2021 Revision). The proposal was advertised in the *Caymanian Times* on the 31st May, and 2nd, 7th, and 9th of June 2023. The consultation period concluded on August 8th, 2023, with no objections received. Mr. Speaker, the results are that the parcels are consistent of zoning through a relocated Public Open Space and that, along the adjacent easement, the public can now utilise the access and enjoy the coast.

Mr. Speaker, Honourable Members, I move that we:

- rezone the low-density residential parcel within Block 23B and Parcel 108, 109, 110 and 111 to beach resort residential;
- remove the redundant road zoning from the subject land parcel and replace it with beach resort residential; and
- relocate the Public Open Space on Block 23B Parcel 108 to the western boundary of

the property, ensuring it connects with the existing Right of Ways and the road.

Honourable Members, I urge for your support on this Motion; and thank my colleagues for their full support.

Thank you.

The Speaker: Thank you, Honourable Minister. Does any Member wish to speak? *[Pause]* The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Mr. Speaker; seeking a bit of clarity, through you to the Minister. This looks like it's at the intersection of Old Crewe Road and South Sound Road. Am I correct?

[Inaudible interjection]

Hon. Roy M. McTaggart, Leader of the Opposition: Okay. I'm okay knowing that, because I believe there are plans for development there.

[Inaudible interjection]

Hon. Roy M. McTaggart, Leader of the Opposition: Yeah. Okay. **The Speaker:** Thank you. Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]*

If no Member wishes to speak I shall invite the Honourable Minister to exercise his right of reply.

Hon. Johany S. Ebanks: Mr. Speaker, I just want to thank honourable Members and my colleagues for their full support for this Motion, the Amendment to the Development Plan Motion, Block 23B [Parcels] 108, 109, 110 and 111 for George Town South and relocation of the Open Public Space.

The Speaker: Thank you.

The question is **BE IT RESOLVED to alter the zoning area of Registration Section George Town South, Block 23B Parcels 108,109, 110 and 111, from Low Density Residential to Beach Resort Residential, and to relocate an area zoned Public Open Space to the western boundary of the property.**

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

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 7 of 2023-2024 passed.

The Speaker: Madam Clerk.

Government Motion No. 8 of 2023-2024 Issuance of a Deed of Indemnity to the Members of the Planning Appeals Tribunal

The Speaker: The Honourable Minister of Planning, Agriculture, Housing, Infrastructure, Transport and Development to move Government Motion No. 8 of 2023-2024.

Hon. Johany S. Ebanks: Thank you, Mr. Speaker.

Government Motion No. 8, Issuance of a Deed of Indemnity to the Members of Planning Appeals Tribunal.

WHEREAS the Government of the Cayman Islands (the "Government") is issuing a Deed of Indemnity to the Members of the Public Appeals Tribunal (as per the attached Deed of Indemnity); and

WHEREAS Section 8 of the Public Management and Finance Law (2020 Revision) provides that, as a general rule, no guarantee may be given by or on behalf of the Government unless it has been authorised by a resolution of the Parliament;

BE IT NOW THEREFORE RESOLVED that the Parliament hereby authorises the issuance to Members of the Planning Appeals Tribunal, of a Deed of Indemnity guarding against the potential liability of Members of the Planning Appeals Tribunal.

The Speaker: The Motion has been duly moved. Does the honourable Member wish to speak thereto?

Hon. Johany S. Ebanks: Yes, sir.

Mr. Speaker, I stand before the honourable House as the Minister of Planning, Agriculture, Housing, Infrastructure, Transport and Development, to present a Government Motion seeking the issuance of a Deed of Indemnity to the Members of the Planning Appeals Tribunal.

Mr. Speaker, my Ministry has observed that qualified and experienced individuals are increasingly hesitant to serve as Directors of corporations and members of boards. This reluctance is due to the growing risk of litigation costs associated with their role and responsibilities, unless they are protected by comprehensive liability insurance or indemnification. Given this situation, the Ministry of PAHI aims to issue this Deed of Indemnity to the members of the Planning Appeals Tribunal. This move is necessary to ensure that we can attract and retain competent individuals to these important roles.

Mr. Speaker, as required by section 8 of the Public Management and Finance Act, we must obtain a resolution from Parliament to grant an approval to the Deed of Indemnity. The document and the Government Motion were prepared by the Ministry in consultation with the legal department, and has been approved, as shown. There's a precedent for similar indemnity that has been extended to civil servants in the past.

In closing, Mr. Speaker, I ask for support from this honourable House to approve the issuance of this Deed of Indemnity to the Members of the Planning Appeals Tribunal.

Thank you.

The Speaker: Thank you, Honourable Minister. Does any Member wish to speak? *[Pause]* Does any Member wish to speak? *[Pause]* Does any Member wish to speak? *[Pause]*

If no Member wishes to speak, I'll invite the Honourable Minister to wind up.

Hon. Johany S. Ebanks: Thank you, Mr. Speaker. I just want to thank my colleagues and this honourable House for their tacit support, sir.

The Speaker: Thank you.

The question is **BE IT NOW THEREFORE RESOLVED that the Parliament hereby authorises the issuance, to Members of the Planning Appeals Tribunal, of a Deed of Indemnity guarding against the potential liability of Members of the Planning Appeals Tribunal.**

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

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 8 of 2023-2024 passed.

The Speaker: Honourable Members, we have reached the end of the business on today's Order Paper, and thus I would invite the Honourable Acting Premier to move the Motion of adjournment until 10 a.m. tomorrow morning.

I understand that immediately following the resumption of Parliament, the Government intends to go into Finance Committee to deal with the Supplementary Appropriation 2022-2023 Bill, which was given a second reading earlier today. I don't expect that will last very long, hence, I propose to begin Private Members' Motions following. If there are parliamentary questions to be answered, we will deal with those before we go into Finance Committee, then we can go into Private Members' Motions.

Hopefully, we will be able to finish the Private Members' Motions, certainly by the end of Thursday, I would expect.

Honourable Acting Premier.

ADJOURNMENT

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker.

I'd like to thank all Members of the House for all the work that we completed today to conclude all of the business on the Order Paper.

With respect to Finance Committee, I just need to double-check the timing with the Financial Secretary and his staff. I'll confirm in the morning to all Members, when we can place Finance Committee; but it's going on 7:30, so I move that this House do adjourn this evening and resume Parliament proceedings tomorrow at 10 am.

The Speaker: Thank you. The question is that this House do now adjourn until 10 am tomorrow morning.

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

AYES.

The Speaker: The Ayes have it.

The House is accordingly adjourned until 10 am tomorrow morning.

At 7:30 pm the House stood adjourned until 10 am Tuesday, 24th July, 2024.