



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY  
OFFICIAL HANSARD REPORT  
2019/2020 SESSION**

**Wednesday  
30 October 2019  
(Pages 1-41)**

**Hon. W. McKeeva Bush, OBE, JP, MLA  
Speaker**

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## PRESENT WERE:

### **SPEAKER**

Hon. W. McKeeva Bush, OBE, JP, MLA  
Speaker of the Cayman Islands Legislative Assembly

### **MINISTERS OF THE CABINET**

|                                     |                                                                                                                                            |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Hon. Alden McLaughlin, MBE, JP, MLA | <i>Premier</i> , Minister of Employment, Border Control, Community Affairs, International Trade, Investment; Aviation and Maritime Affairs |
| Hon. Moses I. Kirkconnell, JP, MLA  | <i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport                                                         |
| Hon. Dwayne S. Seymour, JP, MLA     | Minister of Health, Environment, Culture and Housing                                                                                       |
| Hon. Roy M. McTaggart, JP, MLA      | Minister of Finance and Economic Development                                                                                               |
| Hon. Joseph X. Hew, JP, MLA         | Minister of Commerce, Planning and Infrastructure                                                                                          |
| Hon. Tara A. Rivers, JP, MLA        | Minister of Financial Services and Home Affairs                                                                                            |

### **EX OFFICIO MEMBERS OF THE CABINET**

|                                |                                                                                               |
|--------------------------------|-----------------------------------------------------------------------------------------------|
| Hon. Franz I. Manderson        | <i>Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service |
| Hon. Samuel W. Bulgin, QC, JP. | <i>Attorney General</i> , ex officio Member responsible for Legal Affairs                     |

### **ELECTED MEMBERS**

#### **GOVERNMENT BACKBENCHERS**

|                                 |                                                              |
|---------------------------------|--------------------------------------------------------------|
| Ms. Barbara E. Conolly, MLA     | <i>Deputy Speaker</i> , Elected Member for George Town South |
| Capt. A. Eugene Ebanks, JP, MLA | Elected Member for West Bay Central                          |
| Mr. Austin O. Harris, MLA       | Elected Member for Prospect                                  |
| Mr. David C. Wight, MLA         | Elected Member for George Town West                          |

#### **OPPOSITION MEMBERS**

#### **INDEPENDENT MEMBERS**

|                                  |                                                                      |
|----------------------------------|----------------------------------------------------------------------|
| Hon. V. Arden McLean, JP, MLA    | <i>Leader of the Opposition</i> - Elected Member for East End        |
| Mr. Anthony S. Eden, OBE, MLA    | Elected Member for Savannah                                          |
| Mr. Alva. H. Suckoo, MLA         | <i>Deputy Leader of the Opposition</i> - Elected Member for Newlands |
| Mr. Christopher S. Saunders, MLA | Elected Member for Bodden Town West                                  |
| Mr. Bernie A Bush, MLA           | Elected Member for West Bay North                                    |
| Mr. D. Ezzard Miller, MLA        | Elected Member for North Side                                        |
| Mr. Kenneth V. Bryan, MLA        | Elected Member for George Town Central                               |

### **APOLOGIES**

|                                           |                                                             |
|-------------------------------------------|-------------------------------------------------------------|
| Hon. Juliana Y. O'Connor-Connolly JP, MLA | Minister of Education, Youth, Sports, Agriculture and Lands |
|-------------------------------------------|-------------------------------------------------------------|

**OFFICIAL HANSARD REPORT  
FIRST MEETING 2019/2020 SESSION  
WEDNESDAY  
30 OCTOBER, 2019  
10:55 AM  
Third Sitting**

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*[Hon. W. McKeeva Bush, Speaker, presiding]*

**The Speaker:** Good morning.

I will ask the Honourable Deputy Premier to say prayers this morning.

**PRAYERS**

**Hon. Moses I. Kirkconnell, Deputy Premier, Minister of District Administration, Tourism and Transport, Elected Member for Cayman Brac West and Little Cayman:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

This Honourable Legislative Assembly now resumes its sitting.

Honourable Members, we are privileged this morning to have students from the George Town Primary school and we want to welcome all of them. It is always good to have the children and the teachers from the various schools visit with us. Therefore, I want to welcome them on behalf of the Members of the House.

The Member for George Town Central.

**Mr. Kenneth V. Bryan, Elected Member for George Town Central:** Thank you, Mr. Speaker.

If you would allow me, I would like to send special thanks to the Year 4 Class of George Town Primary School whose purpose here today, is to learn a little more about the structure of Parliament. I am encouraged by the primary school, as a whole, as well as these amazing children as they learn about the structure of Government in the Cayman Islands. On behalf of the Opposition Members and the Members of Government, I welcome you to these proceedings.

*[Pause]*

**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**

**The Speaker:** None.

## QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: None.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: None.

## PERSONAL EXPLANATIONS

The Speaker: None.

## OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

## RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

## GOVERNMENT BUSINESS

### BILLS

### SECOND READING

#### THE REFERENDUM (PEOPLE-INITIATED REFERENDUM REGARDING THE PORT) BILL, 2019

*[Continuation of debate thereon]*

**The Speaker:** Last night before we took the adjournment, the Honourable Premier had risen.  
Honourable Premier.

*[Pause]*

**The Premier, Hon. Alden McLaughlin, Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs, Elected Member for Red Bay:** Thank you, Mr. Speaker, and good morning.

I also want to say a special good morning and welcome to the Year 4 Class from George Town Primary and their teachers. Thank you all for coming. I

hope your experience here is something that you will find helpful and useful as you learn more about civics and the way Government works.

Mr. Speaker, last night in a dramatic flourish worthy of the best thespians from the Royal Shakespeare Company, the Member for West Bay North announced his intention to cross the Floor and join the Opposition, ostensibly because of his opposition to the Government's policy to build the cruise and the expanded cargo port. Mr. Speaker, in the course of the speech he made, which preceded his departure from the Government Benches, he urged me as Premier, to release my Cabinet from collective responsibility in support of the Bill before the House.

Mr. Speaker, the Bill before the House has, as its long title, "**A Bill for a Law to provide for the holding of a People-Initiated Referendum on the issue of whether the Islands should continue to move forward with the building of the cruise berthing and enhanced cargo port facility; and for incidental and connected purposes.**" For emphasis, Mr. Speaker, I will repeat the first line: "**A Bill for a Law to provide for the holding of a People-Initiated Referendum [...]**"

Mr. Speaker, the ability for the people—the registered electors—to call for, as they have done, and to require that a People-Initiated Referendum be held, derives from the provision in the Constitution contained in Section 70, which, Mr. Speaker, for completeness and hopefully for edification, with your permission I will read.

Section 70(1) provides: "**Without prejudice to section 69** (section 69 is essentially the Government-initiated Referendum provision), "**a law enacted by the Legislature**" (a law enacted by the Legislature) "**shall make provision to hold a Referendum amongst persons registered as electors in accordance with section 90 on a matter or matters of national importance that do not contravene any part of the Bill of Rights or any other part of this Constitution.**"

70(2) provides: "**Before a Referendum under this section may be held:**

- (a) **there shall be presented to the Cabinet a petition signed by not less than 25 per cent of persons registered as electors in accordance with section 90;**
- (b) **the Cabinet shall settle the wording of a Referendum question or questions within a reasonable time period as prescribed by law; and**
- (c) **the Cabinet shall make a determination on the date the Referendum shall be held in a manner prescribed by law."**

70(3): "**Subject to this Constitution, a Referendum under this section shall be binding on the Government and the Legislature if assented to by more than 50 per cent of persons registered as electors in accordance with section 90."**

Mr. Speaker, I have taken the time to read all of that to say to the Member for West Bay North and this entire House and more broadly, the country; that if this Legislature fails to pass the Bill currently before the House, there is no basis for the holding of a Referendum. The Cabinet would have discharged its responsibility by accepting the petition, working out the terms of the question and the date, and bringing the Bill to this House.

I hear, Mr. Speaker, as I hear many things, rumblings on the other side that some of them may decide not to vote for the Bill; some may abstain, some may vote 'No'. That is entirely their democratic right, but it be understood by all, that a failure to support this Bill is a vote against the holding of a People's- Initiated Referendum; so, I am not sure, Mr. Speaker, what the Member for West Bay North was scolding me about.

We, Mr. Speaker, have brought the Bill. Every Member of the Government and the Government's Backbench who have spoken, have done so in support of the Bill, but, Mr. Speaker, just to make it absolutely clear: I, as Premier, here and now release my Cabinet from the provisions of collective responsibility and allow them to vote however they wish with respect to this Bill. We shall see, in due course, who in this House, truly supports the holding of a Referendum- initiated by a petition of the people.

Mr. Speaker, the Government policy, articulated, not in one Manifesto but two; not through one election cycle but two, has been, for at least six years, to build a cruise and enhanced cargo port. Anyone who paid attention to the process could not have failed to miss that the Government was intent on doing this. It has been carried over from the previous administration, and an immense amount of work was done then, into this Administration. So, I doubt anyone can truthfully say that they were and have been unaware that this was a key plank of the government's policy platform.

Now, Mr. Speaker, a not-insignificant number of people plainly disagree; that is why the petition, albeit it took a while, garnered the support it has and has allowed it to come here. Mr. Speaker, I have absolutely no argument with that. Mr. Speaker, you know, because you and I were on opposite sides of the table. You know how hard I, personally, battled for that provision to be in our Constitution. Not everybody agreed.

I, Mr. Speaker, hold fast that a democratic system, as messy as it can be, is the best form of administration known to man. And when I say messy, Mr. Speaker, just look at what has happened and is happening in the United Kingdom but the democratic system is working. It is working and on 12<sup>th</sup> December, there will be elections and then we will see what happens, but that is a democracy works.

Mr. Speaker, these things tend to be very divisive. I have been deeply saddened, as I am sure many have been, at some of the exchanges and the dialogues and the hate speech that particularly appears regularly on Cayman News Service (CNS), but that is

not just in relation to the issue about the port. The people who seem to post on CNS seem to hate Cayman and Caymanians with an increasing passion. It is very, very, worrying.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Not just me, everywhere I go people talk about it.

So, Mr. Speaker, just because I, and the Government I lead, support a particular policy position, does not mean that we are traitors to some cause; that we hate the environment. It does not mean, Mr. Speaker, that people who support what we are doing, ought to be subjected on radio shows by leaders of the CPR to being called pigeons, stool pigeons, Kool-Aid drinkers, uneducated.

Mr. Speaker—

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I have not been around quite as long as you but the 6<sup>th</sup> of next month—

**An Hon. Member:** The 8<sup>th</sup>.

**The Premier, Hon. Alden McLaughlin:** The 8<sup>th</sup> of next month—next Friday—will be 19 years since I was first elected.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** I have succeeded in five election campaigns. I have fought more than my share of battles, politically speaking. I am used to criticism and to being beaten about the ears and worse. It is part and parcel of this life that we and I, in particular, have chosen.

Mr. Speaker, as I have grown older, people who pay attention would notice how little I engage, particularly in the talk shows, because, Mr. Speaker, I have a job to do, and people who want to say what they want to say, are free to say it; but, Mr. Speaker, I honestly draw the line when someone who has been convicted of dishonesty and permanently disqualified from standing for election, goes on a talk show and calls me and the Deputy Premier corrupt—really, Mr. Speaker?

I draw the line, Mr. Speaker, when another key leader of CPR who was, as you know as well as I, engaged in the tender process for the port in 2012, and who turned up on my porch to complain because they did not get the contract—

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** —will pretend to this country that he is some environmentalist who is vehemently opposed to the port. Do you know why he

is opposed to the port? Because he and his father have not got the contract.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, that is where I draw the line.

Mr. Speaker, anybody is entitled to their view and their opinion. Anybody is entitled to say they want a piece of this project but do not go about pretending that this is a terrible idea where Alden McLaughlin is a tyrant, Alden McLaughlin is an arrogant so and so; Alden McLaughlin is an idiot, and that I am determined and intent on destroying my country. Let me tell you something, Mr. Speaker, there may be people in this House and in this country, who love this country as much as I, but I promise you, Mr. Speaker, nobody loves it more.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** I do not wear my heart on my sleeve and I do not make many emotional speeches but, Mr. Speaker, I have done what I have done to this point in my life, because of my undying passion and love for this place I call home.

Mr. Speaker, I do not always get it right and I rub some people the wrong way; that is fine, but the reason—I am convinced—that I have survived this long in politics is because the people who I represent, understand that for all his faults, Alden McLaughlin loves this country, he cares about it and will do everything in his power to make it better.

*[Desks thumping]*

**The Premier, Hon. Alden McLaughlin:** That's why I am here still, Mr. Speaker.

*[Desk thumping]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I have nothing more to prove in terms of climbing the political hierarchy. I am Premier for the second time and after that, it is the graveyard you go.

Mr. Speaker, I have had and I still have zero interest in serving long periods of time to say, I am the one who has been here the longest. What I have always cared about is what I am able to achieve for my country in the time that I am allotted. Mr. Speaker, 19 years of my life have gone by so quickly. I look at my sons, ages 27 and 24 and I say, "Geese, where did the years go?" I missed so much of their growing up because of this.

Mr. Speaker, I have no interest in beating my life out on the Opposition benches complaining and criticising about what the Government is or isn't doing. My ambition always was to be in a position where I could help to shape the future of this country. And, Mr.

Speaker, that is why, as criticised as I have been, and still am, for forming with you this Coalition Government, Mr. Speaker, anyone who knows me should know that I harbour no grudges and I hold no ill-will; believe you, me. I will remember what you did or didn't do because I would be a fool not to, but I carry no weight of hate or anger on my shoulders. When I put my head down in the night, the only thing that keeps me up is me worrying about what the next issue is that I have to deal with; not about anything else.

Mr. Speaker, I am a pragmatist to my core, politics is the art of the possible. Sitting over there, as my good friend, the Leader of the Opposition does for three consecutive terms, wandering in the political wilderness, achieving zero for his country and district, is not the fate that I ever wanted for myself.

Aside from a difficulty with simple arithmetic, not understanding that he and the Member for North Side alone could not form a government in 2013 or in 2017, that five of them, could not a majority make, Mr. Speaker, the Leader of the Opposition is a good and decent man. He has been my friend for many years, despite the licks that he has given me and my vain attempts usually, to return a few. But, Mr. Speaker, we choose our lot in life, and where we want to be. Mr. Speaker, I know, as you do—I'm not sure everybody else does—that it is our obligation when an election is over and the people have spoken, to try to give the country the best Government we can from those who have been elected. We don't get to go and say, *Oh I would rather somebody else*. That is who the people have chosen, and that, Mr. Speaker, is how we have been able to form this Coalition Government.

Mr. Speaker, it is not just about forming a government—this is the third I have been in. It is about forming a government that is able to get things done. People elect us to improve their quality of life and to move the country forward. The average person could care less about the internal politics. Their question, and the question each of us have to answer every time we go to the polls, is: *Has he or she made my life better? Has he or she improved the lot of this country?* That is what the people ask. Believe you-me, they do; and those who survive consecutive election cycles are those for whom the question is answered positively by the voter.

Mr. Speaker, we were not elected in here to spend time going to law school. We were elected to represent the interests of our people. We were not elected in here to spend time on Facebook slagging off this one, that one and the other one. Remember I said this: there are a good many faces I look around here that unless they change their ways, they will not be here next time around.

We got one wall at the back here, Mr. Speaker—

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** You count the number of one-term politicians on that, you will understand that the people who do not realise what their function here is, wind up on that wall.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, this is a divisive project. Truthfully, Mr. Speaker, had we believed that this would be this controversial, the Government would not have proceeded with it in 2013. But, Mr. Speaker, we are where we are at and we are now at a position, having spent more than \$5 million in six and a half years, not counting the work that you did on it during your administration, we are where we are.

This Referendum, Mr. Speaker, will allow the people of this country who are registered voters, whose names appear on the official list of registered voters, to decide whether this project goes ahead or it doesn't.

People who are opposed to it feel passionately—*passionately*—about it, and they are entitled to do so, Mr. Speaker, but in the six, almost seven weeks, that we have before the Referendum is held on the 19<sup>th</sup> of December, I urge us all not to become so personal about these things; not to call each other these names—pigeons and stool pigeons and uneducated and Kool-Aid drinkers and worse. We are one country, one people, all Caymanians and there are many other people here who are not Caymanians who cannot vote but have a vested interest and feel strongly about these issues too. Let's be respectful to everyone.

I promise the country this: in the same way that the Government has scrupulously followed the Constitution with respect to the management of this so far, when the result is known, if the result is that more than 50 per cent of the registered electors say no to the project, it is dead. It is dead. As much as I and my Government think that that would be a huge mistake, that would be the will of the people and that is what, Mr. Speaker, we will respect.

Mr. Speaker, this debate has involved not just the process and concerns and criticisms about the process that has been followed and issues within the Bill but, more broadly, whether or not this is a good project for the Cayman Islands, and that is not only entirely permissible and expected, Mr. Speaker, but I think it is the right thing to do. It gives and has given the country the opportunity to hear what the elected Members think; a broad cross-section. I think there was only Member who did not speak.

Mr. Speaker, that is all well and good, but I come back to the point that I started with, which is what we are being asked to do today, not to vote 'yes' or 'no', for whether the cruise port and cargo project proceeds, but to vote for the vehicle which will allow the People-Initiated Referendum to be held with respect to that. So, if Members in this House vote 'no' to the Bill, they are voting to prevent the Referendum from being held.

Mr. Speaker, I listened very carefully to what the Opposition had to say about the Bill and what they had to say about the project. I listened hard and long, Mr. Speaker, to try to discern where they stood with respect to the project. I have to say that with the exception of the Member for North Side, I and the country are none the wiser as to where the Members of the Opposition stand with respect to this project. They have demonstrated one thing, Mr. Speaker. They have demonstrated that they have—

**The Speaker:** Honourable Member for George Town Central, do you have a point of order?

#### Point of Order

**Mr. Kenneth V. Bryan, Elected Member for George Town Central:** Yes, Mr. Speaker.

I think it is inappropriate that the Premier—

**The Speaker:** Can you state the point of order?

**Mr. Kenneth V. Bryan:** He is misleading the House, Mr. Speaker, by suggesting—

**The Speaker:** Misleading?

**Mr. Kenneth V. Bryan:** —that he knows exactly what the country has interpreted.

Now, he can interpret based on himself in what we are saying, but he cannot say that the rest of the country does not have a clear picture. Many people who have seen my speech told me that they know exactly where I stand. So, I think it is unfair for him to assume on behalf of the rest of the country.

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Yes, Mr. Speaker.

Mr. Speaker, let me amend what I said. In my opinion, neither I nor anyone in the country, save the discreet—

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** —few who have the confidence of the Member for George Town Central, are any the wiser as to where they stand on this matter.

Mr. Speaker, what the Members of the Opposition, leaving aside the Member for North Side, have demonstrated is an incredible skill in balancing on a very, very narrow fence, so that, depending on which way they feel the wind is blowing, they can determine their trajectory.

Mr. Speaker, there was the very telling position articulated by both the Member for George Town Central and the Member for Bodden Town West, I think, in

which they said—and this was a part of their argument for why there should be a constituency by constituency count for the Referendum and not a national count. They want to know, they say, how their constituents have voted and if it is determined that their constituents voted ‘yes’ for the port, they will pick up the shovels and go down there and start digging. Now, Mr. Speaker, that sounds very good but when you subject it to any kind of analysis, you see how fallacious it really is.

Mr. Speaker, we are elected to represent, but represent means leadership as well. Mr. Speaker, if the majority of people have voted ‘no’, it is rather late for the Members to decide that’s the position they are going to take.

**The Speaker:** Member for Bodden Town West.

**Mr. Christopher S. Saunders, Elected Member for Bodden Town West:** Thank you, Mr. Speaker.  
I think the Premier—

**The Speaker:** You have a point of order?

#### Point of Elucidation

**Mr. Christopher S. Saunders:** Yes, I do.

I think the Premier is misleading or misunderstood what I said, because what I also indicated, which he conveniently left out, is that if it gets approval, by not showing how the vote count went, his own Members are also in dark. And, I think, I also alluded to the fact that that was being done to make sure to keep them in line also. So, if he is going to refer to what I said, he needs to put everything in its full context, not just part of it because he needs them in the dark too, to keep them in line.

**The Speaker:** We take that as an explanation.

**The Premier, Mr. Alden McLaughlin:** Yes, sir, that is all right. I thank the Member for the clarification.

Mr. Speaker, that might appear to be a convenient ploy but it is, in reality, an act of political cowardice and demonstrates a real lack of leadership. At least we know where the Member for North Side stands and we can’t paint him with that brush.

Mr. Speaker, the Member for North Side has always been against the cruise port and indeed the enhanced cargo port. As long as I have been here with him these past six and a half years, that has been his position. I disagree fundamentally with the premises of his objection but I respect the fact that the country and I know where he stands. This nice dance that the Opposition have done, and are doing, does a real disservice, Mr. Speaker, to their role as proper representatives. It has only been in the last few months, Mr. Speaker that a number of them, notably not the Leader of the Opposition, but a number of them have decided to hitch their wagons to this CPR-led train because they

think, Mr. Speaker, that it is going to reach a particular station; but Mr. Speaker, we shall see. That is my view. The final judgement is not mine to make; it is them who have to face their electorate.

Mr. Speaker —

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Everybody knows what my position is, Mr. Deputy Leader.

Mr. Speaker, by contrast to the position of the Member for North Side, the Leader of the Opposition spent a lot of time while he was on his feet, commenting on a great many things but little really addressing the issues before us with the Referendum Bill and the cruise and cargo port. He rambled and weaved so much that I was reminded of the quote from Alice in Wonderland, when Alice asked the Cheshire Cat, “Which way do I go?”

The cat replied, “That depends on where you are going.”

“I do not know,” said Alice.

The grinning cat wisely responded, “Then it does not matter which way you go.”

*[Laughter]*

**The Premier, Mr. Alden McLaughlin:** That, Mr. Speaker, was the Leader of the Opposition.

He did not really know where he wanted to take the debate and so he went everywhere. So much so, that he did not even realise that he had run out of time and you, sir, in your unfailing generosity, had to grant him an extension. But I guess, Mr. Speaker, that is what happens when you have no real objection to the port project, at least none that has been articulated, and just want to try to score a few good political points by speaking to your fans in the gallery and those listening on the radio.

Mr. Speaker, the Member wants to—

**The Speaker:** The Honourable Leader of the Opposition, do you have a point of order?

#### Point of Elucidation

**Hon. V. Arden McLean, Leader of the Opposition:** And if my good friend considers it a Point of Elucidation then...

**The Premier, Hon. Alden McLaughlin:** Make it short though, not long, Mr. Speaker.

**The Speaker:** That is allowed as long as it is for a good reason.

**Hon. V. Arden McLean, Leader of the Opposition:** Number 1, I am not Alice in Wonderland. Neither am I

steel donkey running down the road with the tail hanging behind him either, hitched on to me. Nothing is hitched on to me, as he so eloquently explained. You remember the Steel Donkey song?

Mr. Speaker, the Premier is trying to infer that the country does not know where I am at; at least he doesn't. I suspect that it is those speech writers who were listening and not him.

*[Laughter]*

**Hon. V. Arden McLean, Leader of the Opposition:**

Mr. Speaker, I have said on numerous times and I said it again recently in here, that there are different methods I cannot support, based on my experience, what the Government is proposing to do out there. I invited the country to wrap it up, wrap the 'no' up in swaddling clothes and present it to him on Christmas. I have said on the radio and here, that I will be voting 'no' against the dock as proposed. Do I need to make myself any clearer, my friend?

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I thank the Member for finally, finally making us aware of what his position is.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, in attempting to score his political points, the Leader of the Opposition spent much time reminding the country about the fact that you and I have had our share of political differences in the past. I don't know that the country really needs much reminder of that. We all know that history well.

Mr. Speaker, he spent some time reading from the considered position of the Opposition which I led at the time, and of which he was a member. He also read from a press release that we issued following the outcome of the Referendum on one person one vote (OMOV)—and again, Mr. Speaker, I do not resile one moment from what I said in any of those pieces of correspondence.

Mr. Speaker, what you, I, and the country also knows, as well as he does, is that despite our political differences over the many years, we have always been able to find ways to work together for the benefit of the country; and that continues through to today. Otherwise, Mr. Speaker, I wouldn't be Premier and you wouldn't be Speaker.

There have been many on the various radio shows and on social media, commenting negatively that you and I and our respective political parties have been able to put together, with some independents, this Government of National Unity; but what the nay-sayers don't seem to understand, as I said earlier, is that in the aftermath of an election, it is the duty of those who have been elected to put together the best Government you possibly can.

Despite the early hiccups we had in trying to form the Government I have to say, that the Government has worked very well these past almost two years and a half, and not only worked well together, we have achieved, and are achieving many very good things for this country. We have demonstrated, even with the departure last night of the Member for West Bay North who, quite frankly, has never engaged with the Government since it was formed. Despite that, we have demonstrated that we have the ability to work together and importantly, to stay together.

When dealing with a coalition government, Mr. Speaker that is not always an easy thing to do, and anyone who thinks that the six and a half years that I have been Premier has been a bed of roses, really don't begin to understand what it takes to bring a group of people together, hold them together, build consensus and get things done for your people.

Mr. Speaker, I have heard the Leader of the CPR that I referred to earlier, describe me on a talk show as a "tyrant". Ask any of these people around here, behind me and alongside me, how much of a tyrant I am. If I were a tyrant that he is, this would not have lasted a dogwatch.

It is about building consensus, valuing the contributions of every member of the team, taking them on board, being prepared to have your own views taken apart and other people say to you, "Premier, I hear what you say, but we can't agree to that" and accept it! That's why I am still here, Mr. Speaker. Ask any of them for their testimony.

Mr. Speaker, I can't say that about the Opposition. My dear friend, the Member for North Side, he went inside the kitchen to get a cup of coffee and when he came back, he had lost his seat.

*[Laughter]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, it will be interesting to see how long the Official Opposition remains together. I see the Member for George Town Central out there doing his own things on the side; we will see.

I will tell you this, Mr. Speaker, if you can't keep a group of people together in the Opposition, God help you if you tried over here where you have real responsibility for decision-making, and where the decisions you make actually matter. Where the decisions you make sometimes result in a people-initiated Referendum; serious business, serious business.

Mr. Speaker, in the next 16 months that we have left, I invite this country to listen, to hear what the roadmap is for this country that that eclectic group who make up the Official Opposition have planned.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, the Deputy Leader of the Opposition is saying I act like

I was never over there. Mr. Speaker, that's where I understood what it takes. Mr. Speaker, you know, because you were on the other side. I spent three of my first four years in Opposition, four years in Government and now in my fifth term.

Mr. Speaker, I understand very well the challenges of being in the Opposition but I have always understood, even in my harshest criticism of your good self and your government, that if we wanted to replace you and your government, if we believed that we could do a better job, we had to do more than criticise. We had to show to the country that we had a plan, we had the people who could execute the plan and persuade them to vote that way. What is the country hearing from the Opposition? Nothing but rancour, discord and criticism. Ask their constituents—not all of them but some of them—how much they think the elected Members of the Opposition are doing for them. I know, because I asked them.

Mr. Speaker, the Opposition job I respect; it is not the opposition's job to agree with everything the Government does. But it is also not the Opposition's job to oppose everything the Government does simply because it is the Government that is doing it. If you think we can do it better, that should be your proposal. If you have an alternative, that should be your proposal. What have you heard, about the cruise and cargo port? Nothing but prophesies of doom and gloom.

Mr. Speaker, when we took office six and a half years ago, unemployment in this country was at 10.5 per cent. The Minister for Tourism and the then Councillor, who is now Minister for Infrastructure and Commerce and myself, in particular, delegations of people from the Cruise Tour Operators, even Mr. Speaker—completely unrelated to this or perhaps not completely, but mostly unrelated to this—quarry operators, developers: “Mr. Premier, you got to do something. We are losing our businesses.”

Mr. Speaker, those first three years were the hardest years of my life. I despaired; no matter what we seemed to do, although some of the key indicators were pointing in the right direction, we simply could not seem to get past this unemployment issue. The Member for George Town Central and the Member for Newlands in particular and, to a lesser extent, the Member for Bodden Town West, down here with motions, calling for various forms of relief for people who were unemployed. Save people houses, change pension provisions in the law—hammering us constantly—hammering us constantly, Mr. Speaker, about what we were doing for people.

Mr. Speaker, we had a plan and we executed it. They hammered us about giving concessions to developers; Mr. Speaker, those concessions are what kick-started the economy in the aftermath of the 2008 recession. You ask any developer how many concessions they get from us now. We do not need it, Mr. Speaker. My point is that the Opposition just zooms in on a particular issue, makes no connection between

what they are objecting to and the broader economic picture. God help this country if they were in charge of directing this economy.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, these things are all connected. I cannot believe, Mr. Speaker, having been subjected to these years of hammering and criticism about jobs for Caymanians by the Member for George Town Central, the Member for Newlands and, more recently, the Member for Bodden Town West, that they can be so flippant—can be so flippant—about the jobs of the 4,500 plus people that are engaged in the cruise industry; absolutely flippant. They do not matter.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, how can you on the one hand claim that you are the voice of the voiceless, help for the helpless; you are the one who is going to continue to hammer for jobs, jobs, jobs for your Caymanians and you are at risk of losing 4,500 of them, and it doesn't matter. Because, nothing they have said Mr. Speaker, nothing they have said in criticism of this addresses ‘*what are you going to do?*’. What is the country going to do when as is inevitable, the number of cruise visitors shrinks, what are the alternatives?

The Minister for Infrastructure and Commerce put it the best I have ever heard it put last night, when he said Cayman's choice is to decide whether we want to remain in the cruise business or not. That is the big decision that we have to take. It is entirely up to us if we say, as it seems to be suggested by the Member for Bodden Town West that the way to go is stayover tourism. If we make that choice and it sounds to be the choice that he would make, were he over on this side: What are you going to do to ensure that those who have lost their jobs have jobs? It is not a simple exercise of swapping one for the other.

Mr. Speaker, stayover tourism does contribute significantly more to government's bottom line and the economy, more broadly, than cruise tourism; [\$]650 million compared to an estimated [\$] 200 million. So, no one is suggesting for a moment, on this side that stayover tourism and the impact that cruise numbers have on the experience of stayover visitors isn't important. It is, Mr. Speaker. It is a cause for concern and it does create a tension. But that aside, you try to determine how many Caymanians are actually involved in stayover tourism compared to the number in cruise tourism. Almost every person who is engaged directly in cruise tourism is a Caymanian. Almost everyone who is involved directly in stayover tourism is a not a Caymanian. Now, Mr. Speaker that has been the dilemma for many governments as long as I have been here, that has been a dilemma. Every government that I have

been aware of has tried, really tried to engage more Caymanians in the jobs in stayover tourism. But, despite all the great efforts made and some success shown under the leadership of the deputy Premier, none of us can say honestly, that it has been a rip-roaring success.

Mr. Speaker, we have to get the balance right, without a question but this attitude that—and I have seen it not only here, but I have read it on various posts and so forth, *“we should just do away with the cruise visitors; all they are doing is getting in the way of the stayover tourism”* or various things like that. Mr. Speaker that is not the position this Government takes. We do not think it is viable, we think that there has to be a proper balance struck.

The Deputy Premier was at pains yesterday to say, *listen, if the berthings are built, we will be capable of managing across that berthing, 2.5 million cruise passengers per year.* But he was also at pains to point out that we are not victim of this business. We are beneficiaries and Mr. Speaker we are in control of our own destiny.

The cruise berthings will continue to be managed by the Port Authority, we are able, through them, Mr. Speaker, to set the numbers. No one is expecting that when the cruise port is completed, assuming it is built, three years or so from now, that we will automatically zoom from 1.8 to 2.5 million cruise passengers.

Mr. Speaker, what it will allow us to do, in a way that is not possible now because the cruise companies will not agree to tender the big ships which pass us by in the summer, is to spread or to use the industry flatten out the numbers so that it is not just the high season that we wind up with 24-25,000 and requests for more cruise passengers in one day but we are able to spread the numbers over what have been the traditionally slow months; we are able to manage the numbers better, we are able to provide a more consistent revenue stream who are engaged in the cruise business.

Mr. Speaker, all of the reports indicate and anecdotal evidence makes it clear, that Cayman needs to provide more in terms of attractions. We need to do that; we all are aware of the strains on infrastructure, particularly road systems. We are working, Mr. Speaker, Lord knows we are working as hard as we can, to address particularly the road system issues.

The reality, Mr. Speaker is—

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** The reality is, Mr. Speaker, given the state of the economy Cayman's population has increased. The resident population has increased by more than 12,000 people since we took Office or certainly I as Premier, took Office six and a half years ago—Mr. Speaker, that is a sign of growth. Whenever we have these growth spurs it creates significant stress on infrastructure and social issues as well.

I have lived long enough to have lived through a number of them and we have to manage growth, Mr. Speaker, but this much I know: I have also lived long enough to know that any time the economy slows down in any significant way we have significant unemployment, we have real social issues and we have increased crime.

Mr. Speaker, not everyone subscribes to my view about this and I am not expecting everyone to, but I am telling you, I have studied enough of societies across the world to understand that when a society stops growing, it starts dying. Believe me when I tell you that. Those who suggest that we can be insular, that there is some tap over there that we can just turn off, we have had enough now and everything is just going to continue in Cayman perfectly fine—I hear the Member for Bodden Town West suggesting, essentially, that if it works don't fix it, Cayman is a unique place and we just have to preserve the *status quo* and all will be well.

Mr. Speaker, he may be a good accountant, but I would not want him to manage my business. If we are not growing, we are dying. We have to do what we need to do to build the infrastructure to support the continued growth of these industries. I hear the Member for West Bay North talk about his children with passion, even tears. Mr. Speaker, I have children too, I love them too. Anyone who thinks that I do not want this place to be somewhere that they continue to be proud of and where they have opportunity, don't begin to know anything about me.

Mr. Speaker, they paint us on this side as some kind of tyrants who do not leave in the real Cayman, don't understand what the issues are that the average person is facing. Mr. Speaker, I can tell you this: I move all over this little country in all kinds of dig-ins, if you want to call them that, where people say I shouldn't go because the Premier may be at risk. There is no one in here that knows anymore about the social challenges in this country than I do; they may know as much. There is no part that I don't go.

I listened to people all over the place talk to me, and Mr. Speaker, I do not only have the perspective of the privilege. I understand what the average person over there is struggling with. That, Mr. Speaker, is why I believe that the 'No' vote will fail to get 50 per cent plus one. When I talk to the average Caymanian who struggles, when I talk to the people who make a living from the cruise business, when I talk to the people who hope to get good jobs during the construction and who will be able to provide additional services; the people in the restaurants, those are the people who tell me, *'it is all well and good for those in CPR who live their daily lives in air condition offices to say what they say. They don't understand, they don't feel what we feel when we struggle to make it from day to day.'*

Mr. Speaker, I represent a constituency where I got an overwhelming support even though there were two people running against me. Mr. Speaker, 36 per cent of that electorate which is about 1,000 people

signed the petition. Does anybody believe that I don't understand that that is a significant number? But, I also know that that is not the majority.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** And, Mr. Speaker, any of my constituents who have written me, I have responded to explain to them why the Government takes this position; aside from the fact that it was in the campaign manifesto clear as day.

I respect their views as I must, but I am their representative and I must demonstrate leadership and I must also honour promises that I made in an election campaign. If at the end of the process the majority of the country votes the project down, then Mr. Speaker, I would have gotten it wrong. The people would have decided but I would have discharged my responsibility.

I have seen an e-mail from one of the CPR people to one of my Members, complaining—and I got it from one of my constituents as well—that we are angry at the people who signed the petition. No, Mr. Speaker, not at all; I am angry at certain of the CPR key players who consistently malign myself and my character and it is difficult for me to forgive that because I haven't done them anything personally.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** But, Mr. Speaker, as I said at the start, the process is a democratic process. We are here to give the people a chance.

Argue your case as strongly as you can, and the result will come out at the other end, but let us not forget that we are—as said—one people, one country. Whatever the result, we all have to continue to live here and to love together, let us not forget that.

*[Crosstalk]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, we will deliver to the country, the budget for the last year and a half of our term on next week Friday. So, Mr. Speaker, I am not going to spend a great deal of time on the economic issues that the country and the world are facing today.

I can promise the country we are going to deliver an excellent budget. I have been around a while and have delivered quite a few budgets; this is as good as it gets, Mr. Speaker. I don't mean just the bottom line numbers; I mean in terms of what we are going to be able to deliver for people, particularly the most vulnerable in this community. But, Mr. Speaker, there are worrying signs. There are worrying signs.

I said, with a great deal of pride a little while ago, what we have been able to do in terms of Caymanian unemployment since we took Office; but all the

signs say that the global growth is going to slow significantly. That is what the optimists say; the pessimists say that we are headed for another recession in a year or so. Anyone who believes, as some of the Opposition seem to do, that Cayman is somehow insulated from the impacts of global shocks is dreaming in colour, Mr. Speaker. They do not seem to appreciate that virtually everything that happens here, in terms of economic activity has, as its driver, inward investment.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, they can be glib on the other side because they have no responsibility; we have the responsibility, Mr. Speaker. We have the responsibility.

Mr. Speaker, yesterday, October 29<sup>th</sup>, from the Jamaica Gleaner, ***“IMF warns of economic growth slowdown in Latin America and the Caribbean.”***

This is from Washington, Mr. Speaker. ***“The International Monetary Fund says growth in Latin America and the Caribbean is slowing down and that the region is expected to record a 0.2 per cent growth this year.”*** I am not going to go into all of the various bits in it because it has country by country in the Caribbean; it doesn't talk about Cayman, but it has a many of them, including Jamaica, Bahamas, Trinidad, a whole range of them.

We will deal with all of this in more detail next week, but the point I am making, Mr. Speaker, is that because we are doing so well, because the gravy train is running, it is so easy to become complacent and to believe, as the Member for Bodden Town West suggested—that things will continue as they are if you all just stay out of the way.

Mr. Speaker, the Member for Bodden Town West seems to believe that we have arrived at this particular place, with the economy overall, but in particular with respect to the tourism industry, by chance. This just happens by default. If he only begun—

**Mr. Christopher S. Saunders:** Mr. Speaker—

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, he is becoming tiresome now.

**Mr. Christopher S. Saunders:** No; no, no, no.

**The Speaker:** What is the point of order?

#### Point of Order

**Mr. Christopher S. Saunders:** The point of order is that he is indicating or misleading that I believing that the tourism success was by chance. No. It started when you were Minister of Tourism and the foundation that you laid. That is where it started from and that is what I have always said.

**The Speaker:** I am very, very happy for the accolades that I am getting but, try not to involve me, nah?

*[Laughter]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, this is the result of an incredibly amount of thought and vision by the Minister of Tourism, the Deputy Premier and his team.

Mr. Speaker, they tried to take him and make him president of the Caribbean Tourism Association. I said, no way, as much as I want to help the Caribbean, we got to look out for right here. That is how well he is thought of right across the Caribbean. How much he is admired for what he has been able to do in six and a half years.

Mr. Speaker, I want to finish by underlining some of the key points and hopefully further debunking some of the myths and arguments that we hear about this project. Mr. Speaker, I will start with the financing: it is a fallacy. It is a fallacy that the Government or the Caymanian people will be paying for this project. We have kept the cost of the project to just under \$200 million. Not the \$400 million that some in the CPR dealership, and particularly CNS, say would be the cost; and the preferred bidder was not China Harbour, as some in the CPR leadership and CNS insisted it was.

Mr. Speaker, Verdant Isle, as we all know, is the entity chosen as the preferred bidder of the project. It is they who will carry all the risks including the funding for the cruise berthing and enhanced cargo port. They will finance all costs associated for the design as well as for the building and the maintenance of the port over the next 25 years.

Maintenance alone will cost about \$75 million a year and Verdant Isle will be repaid for building and maintaining the port by utilising part of the money obtained from the cruise passenger tax.

This deal to build the cruise berthing and enhanced cargo port not only ensures that no government funding will be used to build the dock; it also ensures that the facilities remain in the ownership of the Cayman Islands. As I said in my debate, Mr. Speaker, the eventual increase in cruise ship passengers, particularly in the slower cruise seasons, means that not only will more cruise passengers bring opportunities for Caymanians but we will also grow revenues, thus making more money available to pay for schools, scholarships, security, healthcare and infrastructure projects like roads and a myriad of other services that Government provides to the people of these islands.

Mr. Speaker, on the environmental front, we have responded to people's concerns and significantly reduced the environmental impact of the project by ensuring that there will be no dredging in Hog Sty Bay and no risk to Seven Mile Beach. We have committed to relocating coral, and believe that we can become the go-to jurisdiction, for other countries that want to learn how to successfully relocate corals. Our goal all along

has been, and remains, to safeguard Cayman's economic future while minimising impact on our environment with the port's development.

Mr. Speaker, I do hope that when voters go to the poles on the 19<sup>th</sup> December, they will opt to move forward with building our new cruise berthing and enhanced cargo facilities; helping guarantee that cruise ships will continue to bring us visitors. By making the right choice, existing jobs will be kept safe and more employment and business opportunities will be available for Caymanians.

An enhanced cargo facility can help Government drive down the cost of the goods imported to all three of our Islands because bigger ships with more cargo will be able to dock here. We have outgrown our cargo facilities and tying in the development of all enhanced cargo port of an enhanced cargo port, with the cruise berthing facility just makes good economic sense.

*[Pause]*

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, as I said when I introduced this Bill, we should all be choosing prosperity. If we don't, Caymanians will lose jobs, their businesses will fail, the cost of goods imported to our country will go up as our population grows. If we don't choose prosperity, we choose decline.

As for me and the Government I have the honour to lead, we choose prosperity for today and for the future. We have to move forward with building the cruise berthing and enhanced cargo facilities to help secure our future prosperity.

Mr. Speaker, once again, I ask all Members of this honourable House to vote Aye, to this Referendum Bill, that those Caymanians who go out to the polls on Referendum day vote a resounding Yes, to the question: "Should the Cayman Islands continue to move forward with building the cruise berthing and enhanced cargo port facility."

Mr. Speaker, I thank the House for their attention.

*[Desk thumping]*

**The Speaker:** The question is that the Referendum (People-Initiated Referendum regarding the port) Bill, 2019 be given a second reading.

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

**AYES.**

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

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, may we have a division please?

**The Speaker:** Clerk.

**Division No. 26**

**AYES: 17**

**NOES: 0**

Hon. Alden McLaughlin  
 Hon. Moses I. Kirkconnell  
 Hon. Dwayne S. Seymour  
 Hon. Roy M. McTaggart  
 Hon. Joseph X. Hew  
 Hon. Tara A. Rivers  
 Capt. A. Eugene Ebanks  
 Ms. Barbara E. Connolly  
 Mr. David C. Wight  
 Mr. Austin O. Harris Jr.  
 Hon. V. Arden McLean  
 Mr. Alva H. Suckoo Jr.  
 Mr. Kenneth V. Bryan  
 Mr. Anthony S. Eden  
 Hon. Bernie A. Bush  
 Mr. Christopher S. Saunders  
 Mr. D. Ezzard Miller

**ABSENT: 1**

Hon. Julianna Y. O'Connor-Connolly

**The Speaker:** The results of the division are: 17 Ayes and 1 Absentee.

**Agreed: The Bill has been given a second reading.**

**The Speaker:** At this time, I am going to suspend for lunch and we will be back at 1:30pm; at which time the House will go into Committee Stage.

**Proceedings suspended at 12:21 pm**

**Proceedings resumed at 1:34 pm**

**The Speaker:** Please be seated. Proceedings are resumed.

We will now go into Committee of the whole House on the Bill that just received its second reading.

*[Pause]*

**Committee on Bills at 1:33 pm**

**COMMITTEE ON BILLS**

**The Chairman:** Please be seated.

Honourable Members, as per usual we will give the Honourable Attorney General permission to do what he always does.

I would say to Members that we would like to get through this Bill as quickly as possible, and so we would not expect Members to go into any long debate—

or try to debate, because we are not supposed to debate; but, of course, your usual cooperation and questions, et cetera.

**Mr. Kenneth V. Bryan:** Mr. Chairman.

Forgive me, Mr. Chair, for my lack of memory of the procedures, but as far as I understand, Standing Orders suggest that any amendments outside of an order by yourself, to suspend the necessary requirements of the amendments to any Bill is to be two days. I have not seen any suspension of those Standing Orders yet.

**The Chairman:** I thank the Member for his enquiry but there is a waiver of notice, as you would read in the Standing Orders, and I have provided all of that to Members. Well, from what I can see, there is a set of amendments to come, and I do not know about any more than—

*[Inaudible interjection]*

**The Chairman:** Yes. That is what I received and gave permission to. I would trust that Members have them?

**Mr. Kenneth V. Bryan:** Mr. Chair, if I would be allowed, with your permission; I respect this honourable House and the Chair, and his ability and authority to waive that notice, but I have to ask that my concern be recorded in the Minutes of this honourable House because, as this House knows, the Opposition does not have access to resources like the Government, to have an attorney available or funding for persons to assist us with the necessary analysis of the Bills that are being suggested to be changed.

It is already a short enough time without any resources to assist us with the implications and ripple effects of these changes to the Bill on a two-day period, much less an hour ago, when we got notified of the changes, so I want it to be noted in this House that we just received these changes an hour ago and are expected, with no resources available to the Opposition, to go through and peruse this Law, and the potential ripple effects to the overall Bill that was released some twenty-one days ago.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman.

**The Chairman:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, the vast majority of the amendments proposed by the Government here, arise as a result of the representations made by CPR and through the mouths of some Members of the Opposition, notably, the Member who just spoke. We received those representations on Sunday night; the debate started on Monday, and today is Wednesday. We are doing everything we can to facilitate what has been asked for by some Members of the Opposition, notably, the Member who spoke. If the

Member is now saying that he does not wish the Government to do this, then he should say so clearly, rather than trying to present a situation that the Government is somehow springing this upon them at the last moment.

**Mr. Kenneth V. Bryan:** Mr. Chair, if you permit, sir.

**The Chairman:** Member for George Town Central.

**Mr. Kenneth V. Bryan:** I thank the Honourable Premier for his contribution but I am not suggesting that the Government has intentionally sprung this on us. However, I think it is important that the general public that listens to the proceedings of this honourable House are aware of the limitations presented in the current make-up of structure of this Parliament with the lack of resources and when things like this happen within one hour... Though I appreciate the changes are addressing some key concerns of the private sector individuals who created this People-Initiated Referendum, I want the public to know that we do not have the resources like the Government and we do not have access to lawyers.

In normal cases we have to go and get our own analysis and sometimes even pay for it within the short two-day period, so I am only presenting the limitations that the Opposition have before them not to accuse the Government of intentionally doing so, but being mindful of what the current structure offers the Opposition.

Thank you, Mr. Chair.

**The Chairman:** I am sure that you have had the Bill for the constitutional time, twenty-one days; so, what is it you are querying now?

**Mr. Kenneth V. Bryan:** Mr. Chair, I agree that the Bill itself gave me the twenty-one days and I appreciate that and respect that process. I am talking about the amendments: one change of a word in a Bill can change the whole Bill, so the same analysis it takes to look over the whole Bill, there has to be a reasonable amount of time as well as reasonable access to resources to do that job. Unfortunately, I am saying today, on behalf of the Opposition, so the public can understand, we do not have those resources, therefore, when it is committed to us to only have one hour to peruse this, it creates difficulties for us to do our job on behalf of the people of this country.

**The Chairman:** Honourable Member, on the 14<sup>th</sup> of next month, God willing, I will spend thirty-five years here and what you have talked about is what I went through with. I came in and talked all I wanted to talk and asked all the questions that I needed to ask, and I do understand what you are saying when we get it in a day, but you had this from yesterday.

*[Inaudible interjection]*

**Mr. Kenneth V. Bryan:** I apologise, Mr. Chair. The first time I saw this was right before we broke for lunch, the first time this was presented; that was an hour and minutes ago.

*[Inaudible interjection]*

**The Chairman:** Well, that is what Committee stage is for though; you ask questions, and I don't think we can go any further now with what you have mentioned.

The House is now in Committee and so, with the leave of the Committee, may I assume that as usual, we should authorise the Honourable Attorney General to correct any minor errors and such like in the Bill.

The Honourable Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you, Mr. Chairman.

Mr. Chairman, without trying to belabour the issue that is currently brought to the Floor by the Member for George Town Central . . .

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** It leaves us somehow handicapped with not being able to consult on these matters and try to see how they address the issues that the Premier said that we brought to the Government's attention because those issues, you can appreciate were thrashed out over a 21-day period when the Bill was gazetted and, whilst, we were only required to notify for two, if that is what it is, that is what it is and we are just going to have to—

**The Chairman:** What I am saying is that is not just what it is today, it has been for a long time. Sometimes we are fortunate to get amendments a lot of time in advance; other times we are not because it does not come to the Government's attention on time.

You have been in Cabinet, you know this; you have been right where we all are right now on the next and right-hand side and you know that it happens at times. If there is something in here that you are complaining specifically about, then I would suggest that we bring that to the attention of the Attorney General when we get to it, so that we can deal with it and not go through a long preamble at this point.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I hear you sir. The difficulty with that is that we are going to be here for a while getting explanations for it, but be that as it may, let us proceed.

*[Pause]*

**The Chairman:** There is an amendment to the preamble and I suggest that—and I hope I am right in this—we will read the preamble and then we take the amendment, if there is an amendment to it.

[Pause]

**The Chairman:** And the Attorney General will clean it up but you have a specific amendment to that preamble.

**THE REFERENDUM  
(PEOPLE-INITIATED REFERENDUM  
REGARDING THE PORT) BILL, 2019**

**AMENDMENT TO THE PREAMBLE**

**The Chairman:** Is the Premier moving that or is the Attorney General?

The Honourable Premier.

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

Mr. Chairman, in accordance with the provisions of Standing Order 52(1) and (2), I give notice to move the following amendment to the Referendum (People-initiated Referendum Regarding the Port) Bill, 2019—

1. **That the Bill be amended in the third paragraph of the preamble by deleting the words “has settled the wording of the Referendum question and has made a determination” and substituting the words “shall settle the wording of the Referendum question and shall make a determination”.**

**The Chairman:** Is the Premier speaking to it?

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman.

[Short pause]

**The Chairman:** I think it speaks for itself. I don't know if you want to, but—

**The Premier, Hon. Alden McLaughlin:** I was just going to say swiftly, Mr. Chairman, that the Honourable Attorney General went into some considerable detail yesterday, explaining that although the view of the Government and its advisors, was and is, that the current provisions of the Bill are adequate and even if the sequence of events and actions taken by the Cabinet were irregular in any respect, the passage of this Bill would cure such procedural defects.

Notwithstanding that, we wish to avoid, as far as possible, any basis for further delay of the Referendum which would almost inevitably occur if there were judicial review of any aspect of the Bill or the procedure. Thus, these proposed changes are to address the issues in this regard, raised by CPR on the basis of the opinion from their council matrix.

**The Chairman:** The Honourable Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you, Mr. Chairman.

Mr. Chairman, that new wording, “**shall settle the wording of the Referendum question and shall make a determination**” on the date for the holding of the Referendum in a manner prescribed by this Law which is now being prescribed in clause 4 which... and I know we haven't reached there yet, but which then says it is by regulation. Can the Premier tell us in what way can we now do regulation?

Notwithstanding the explanation that the Attorney General gave yesterday, the fact is that it would be all well and good if an actual Referendum Law was in place in accordance with the Constitution, but we are here making one law for this specific Referendum. In my view, were it the case that the primary legislation was in place, Cabinet would not have to come here to make a law to do a Referendum in accordance with the Constitution; they would merely have to determine the question and set the date.

How are we going to do it by regulations now? Should it not be by Order in the Gazette? Are they the same?

**The Chairman:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, the Constitution actually does not require expressly an overarching piece of legislation to govern Referendums. We have had two without the benefit of any such law; albeit, they were not people-initiated.

What section 70(2)(b) says, with respect to the wording of the question and the determination of the date is:

**“the Cabinet shall settle the wording of a Referendum question or questions within a reasonable time period as prescribed by law; and**

**(c) the Cabinet shall make a determination on the date the Referendum shall be held in a manner prescribed by law.”**

It doesn't say “overarching law”, it says “by law”. We have just gone through the Second Reading and we are passing a Referendum Law. So, it is more than proper and adequate for the relevant provisions to be contained in this Law and therefore, what happens will be prescribed by the particular law that we are passing.

It should be borne in mind that the function of settling the wording of the question and determining the date is not a function of the Parliament; it is a function of the Cabinet. Therefore, what we are proposing to do is to remove that wording of the question from the Bill and simply acknowledge in the legislation that this is what will occur. And Cabinet, by way of a regulation,

will settle the question and determine the date and then that will be gazetted. So, the sequence of events that is being complained about or that has been urged will be in accordance with what CPR is advocating.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman.

**The Chairman:** The Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I quite understand the Premier's position of this and I agree with him in much of it, in that, it is Cabinet's responsibility to determine and set in that order, but, does that not mean—whilst the Constitution does not have any prescription as to how that goes about and no overarching provision—that section 70 would have had to be put in place? That is, a law. Cabinet's responsibility comes under section 70(2) after a law; a primary piece of legislation has been put in place. This is not a primary piece of legislation.

**The Premier, Hon. Alden McLaughlin:** It is.

**Hon. V. Arden McLean, Leader of the Opposition:** Well, not in accordance with the Constitution, for a People-Initiated Referendum—

Oh, are you saying this is now the People-Initiated Referendum Law? Is that what we are saying?

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, it is a primary piece of legislation governing the conduct of this—

**Hon. V. Arden McLean, Leader of the Opposition:** This!

**The Premier, Hon. Alden McLaughlin:** —particular People-Initiated Referendum.

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you.

Then, maybe the question should be: Does the Government agree that there is a need for an overarching primary legislation to govern Referendums?

**The Chairman:** No, no. You might want to ask that question but it is certainly not—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I do not mind answering it.

**The Chairman:** I just want to say that it is not on the table. It is not here so we can't debate it at this point.

**Hon. V. Arden McLean, Leader of the Opposition:** No, Mr. Chairman, I am not asking to debate it; that question has relevance to my initial question which

was: Is it through regulations or through gazetted regulations or a gazetted order from Cabinet, because there is some method to my madness as to how those regulations are going to be operated.

I am asking these questions in the interest of transparency. I am not going to get into the business of—

**The Chairman:** A law that is not here.

**Hon. V. Arden McLean, Leader of the Opposition:** A law that is not here. But certainly, the Constitution is here, which governs the making of law. And the Constitution, whilst it does not have an overarching instruction on how Referendums are to be conducted, it requires this Parliament to make that law for that conduct.

**The Chairman:** Honourable Leader of the Opposition, as I said, I do not know that we can get into it but the Honourable Premier has offered to answer. I hope we can move on from there because we need to discuss this Law [Bill] and go through committee stages on this Law [Bill], notwithstanding the fact that you all have a gripe about other substantive legislation, but that is not here.

Honourable Premier.

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

Mr. Chairman, as I said, when I delivered the speech introducing the Bill, I think all of us who are involved with this would have come to understand that the whole process would be better off if there were or was an overarching piece of legislation that governed the conduct of Referendums and the process leading up to it; a bespoke, stand-alone provision like we have in the Elections Law, but the Constitution does not require it. There is nothing in here that says that that is what should be done, and so, the previous two Referendums have been conducted on the basis of a bespoke piece of legislation passed for the purpose of that specific Referendum.

This one is the same case but the fact that it is not an overarching piece of legislation does not mean that it is not primary legislation; it is still primary legislation. Primary legislation is a piece of legislation passed by the Legislative Assembly of the Cayman Islands. Regulations and other legislation made by Cabinet, is subsidiary legislation.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Or secondary. Thank you, Mr. Attorney General. Secondary legislation! So, this piece that we are dealing with is a piece of primary legislation.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I thank my good friend for that lesson of

legislative procedures and constitutional law, but I am very aware of that.

When I referred to the primary legislation, this not being the primary legislation, I was referring to primary legislation as a Referendum law as prescribed, required by section 70. That is what I was talking about; not necessarily that this primary legislation for the purposes only of this Referendum and what happens is that this falls away. What is the term that we use—Sunset Clause. This falls away a few days after giving all those, the right to object to whatever within that period after that.

My thing is that this piece of legislation is only being brought because there is not an overarching primary legislation on Referendum. That is my thing.

My initial question was: We are now saying that Cabinet would publish the Referendum question by regulation? Is it not the case, that that would then infer, we are going to make the regulation under this piece of legislation? But, that would not be the case if we had overarching primary legislation. It would probably have to come by virtue of Order of Cabinet. So, why would we want to do it now in regulation? That is the question.

*[Pause]*

**The Chairman:** The Attorney General.

**Hon. Samuel W. Bulgin, Attorney General:** I am not so sure that it makes a difference, Mr. Chair. We can do what we are doing here by Order. If we have a general piece of legislation that regulates the conduct of a Referendum, we could probably have a schedule in it and each time we have a Referendum, instead of coming back here to do anything, we could simply amend that schedule by Order. We can also do, as we have in clause 14, provision to make regulations and we can do whatever we want to do by regulations. They are all secondary legislation; it is a question of what the Government chooses: whether they want to do by Order or whether they want to do it by regulation; it makes no difference at all.

**The Chairman:** I think we can move on now.  
Do you have another question?

**Hon. V. Arden McLean, Leader of the Opposition:** Go ahead; I will deal with it under the next. . .

**The Chairman:** I think it is proper for us to take the vote on this Preamble amendment.

All those in favour of the amendment to the preamble, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to the Preamble passed.**

*[Pause]*

**The Clerk:**

Clause 1

Short title

Clause 2

Interpretation

**Mr. D. Ezzard Miller, Elected Member for North Side:**

Mr. Chairman, I just have a question under clause 2 in the definition of “lead organisation”.

Would we not wish to narrow that and simply say that, “lead organisation” means the CPR can appoint observers? I don’t want us to get in a situation where other organisations might come forward and say well, they helped get signatures so they want to be a lead organisation? Just a question—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, we spent some time about this and we looked at legislation elsewhere and this is how it is done. They never name organisations.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** They call them permitted parties or lead organisations.

**Mr. D. Ezzard Miller:** And you are comfortable that this will prevent other organisations that assisted in getting signatures to claim to be a lead organisation and then want to appoint observers as well?

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman I do not know the intricacies of that; I know the most vocal and apparent lead organisation is CPR. I do not know what internal workings there are.

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Premier, Hon. Alden McLaughlin:** Mr. Chair.

**The Chairman:** The Member for George Town Central.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, the Attorney General just reminded me, we have only received a petition from CPR; no one else.

**The Chairman:** The Member for George Town Central.

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

Amendment number 2 calls for the amendment of the initial Bill in clause 4 by deleting—

*[Inaudible interjection]*

**The Chairman:** We have not reached clause 4 yet. We are going 1, 2 and 3.

*[Inaudible interjection]*

**The Clerk**

Clause 3: Holding of Referendum.

**The Chairman:** The question is that clauses 1, 2 and 3 do stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 3 passed.**

**The Clerk**

Clause 4: Matter of national importance and Referendum question.

**The Chairman:** Is there an amendment?  
Honourable Premier.

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

Mr. Chairman, in accordance with the provisions of Standing Order 52(1) and (2), I give notice to move the following amendment to the People-Initiated Referendum regarding the Port Bill, 2019;

**“2. That the Bill be amended in clause 4 by deleting subsections (2), (3) and (4) and substituting the following:**

**“(2) The Cabinet shall, in accordance with section 70 (2)(b) of the Constitution, settle the wording of the Referendum question for determining the matter of national importance under subsection (1) within thirty days of the coming into force of this Law;**  
**(3) In settling the wording of the Referendum question the Cabinet shall, as far as possible, ensure that the Referendum question is**

**(a) clear and simple;**  
**(b) directed at the core matter of national importance under subsection (1);**  
**(c) unambiguous; and**  
**(d) neutral”.**

**“(4) Upon settling the wording of the Referendum question under subsection (2), the Cabinet shall promptly publish the Referendum question—**

**(a) by regulations in the Gazette;**  
**(b) in at least one newspaper circulating in the Islands; and**  
**(c) on Government websites.**

**(5) Cabinet shall prescribe the form of the ballot paper to be used for the Referendum in the regulations made under sub-section 4(a).**

**(6) The outcome of the Referendum shall be binding on the Government and the Legislature if more than fifty per cent of persons registered as electors**

**pursuant to the *Elections Law (2017 Revision)* vote in the Referendum in favour of, or against, the Referendum question.”.**

**The Chairman:** Honourable Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:**  
Thank you, Mr. Chairman.

Mr. Chairman, I wonder if the Premier can tell us if this amendment changes the entire face of how we are going to settle the wording of the Referendum question? Does this now change the timelines to the potential for the Referendum date being set at least 60 days away?

**The Premier, Hon. Alden McLaughlin:** I am not sure that I understand that but the answer is no. This changes nothing at all. Mr. Chairman, these provisions which are adopted from the Venice Convention that has been talked about so much, were the same exact principles the Cabinet proceeded to settle the question in the first instance. They are just now being given force in the actual legislation itself.

**Hon. V. Arden McLean, Leader of the Opposition:**  
Okay. If you read section 3 of the Bill, in conjunction with the—

**The Premier, Hon. Alden McLaughlin:** Clause 3.

**Hon. V. Arden McLean, Leader of the Opposition:**  
No, no, no, no, section 3.

**The Premier, Hon. Alden McLaughlin:** Clause 3 because Bills do not have sections.

**Hon. V. Arden McLean, Leader of the Opposition:**  
Clause 3 of the Bill holding a Referendum—clause 3(2) in conjunction with this amendment of clause 4(2), it says potentially 60 days.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I understand what the Leader of the Opposition is saying now. However, as long as we complete this process by Friday, nothing changes. What will happen is, as soon as the Law is assented to and gazetted, Cabinet will convene to formally settle the question and determine the date and that will then be gazetted by virtue of regulations.

**Hon. V. Arden McLean, Leader of the Opposition:**  
Thank you.

**The Chairman:** The Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:**  
Thank you, Mr. Chairman. I am going to give my other colleagues an opportunity too, but the fact that the

question is now being removed from the Bill and will settle within the next “thirty days”; is it the Government’s intention to change the wording of the question and also the date, despite the Premier saying that nothing changes if he gets it completed by Friday?

*[Crosstalk]*

**Hon. V. Arden McLean, Leader of the Opposition:** I think the letter that was sent to your good-self and the Governor and myself by the law firm, indicated that their clients were prepared to meet with you—Cabinet. Is it the intention of Government to engage them now in the settling of the question and the date?

**The Premier, Hon. Alden McLaughlin:** No, Mr. Chairman, not at all.

In fact, that would be unconstitutional. The Constitution is quite clear that it is the function of Cabinet to do both of these things. You cannot on one hand complain that the Cabinet has not followed sequentially, the required procedure, and, then when the Government concedes and proposes to do so, then say that you have the right to come and negotiate what the question is. The CPR has no standing and this Parliament has no standing in determining what the question and the date is. They can make representations as they have done, but the function is constitutionally allocated to the Cabinet.

**Hon. V. Arden McLean, Leader of the Opposition:** And I will not try to take that away from the Premier and the Cabinet, Mr. Chairman; however, my many years of service here, whether you agree with good, bad or indifferent, taught me two little words that I learnt after coming here: *stakeholders* and *consultation*.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Oh, you have had that with the lead organisation?

**The Premier, Hon. Alden McLaughlin:** We have had the letter from their attorneys which we have taken into consideration. We have said publicly that we have taken it into consideration. Let me settle one thing right now— I probably should have done it in my debate.

Mr. Chairman, I was raised in a traditional Caymanian home where respect was accorded to everyone, no matter what your standing and stature. People want to know why I have steadfastly refused to have any dialogue with CPR? It is because you do not go on the radio and accuse me of corruption; call me a tyrant and all manner of evil, and then write a polite letter saying that you would like to sit down around the table with me. Nor will I sit around the table in these sorts of manners with a convicted criminal who is disqualified from participating as a candidate in the election process because of a conviction for dishonesty; and at the same

time calling me, my Government and, in particular, my Deputy Premier, corrupt.

If the CPR leadership team had treated the Government with just basic respect... I don’t stand on office or principle, but I have done nothing that warrants anyone accusing me of being corrupt and then writing me the next day saying, *I would like to meet with you, Mr. Premier*. I will not have any chats with those people. They will communicate with me through their lawyers.

**Mr. D. Ezzard Miller:** Mr. Chairman.

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

**Hon. V. Arden McLean, Leader of the Opposition:** He has given way to me.

**The Chairman:** He has given way.

The Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, may I just say to the Premier in response to that, that I don’t hold any brief for anybody in here. I can tell you that I have unfriended some people from over on that side too. I need you to know that because I stand on the same principles that you stand on and I have never accused anyone of being corrupt. I don’t know, unless you come to look for me with something and no one has come to me yet. I don’t hold any brief for anyone; it is merely in the interest of transparency and cooperation that I bring that up.

Mr. Premier, it is your choice, your position and your right. I said I am not going to meet with your cruise liner organisation either unless it is about a specific thing. You are going to have to live with yours and I will live with mine.

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

**Mr. D. Ezzard Miller:** Through you, Mr. Chairman.

Mr. Chairman, I wonder if the Premier would be mindful to give a commitment to the House that the question, as is worded in the Bill that is being removed and the date will, in fact, remain the same?

**The Chairman:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman these are, as I just said, matters for the Cabinet.

I cannot be presumptive in here and say that is what the Cabinet is going to do, but I do believe that the House can take comfort in the fact that we have put forward this question and the proposed date, voluntarily and have published it.

In very short order, I think it will be clear what the Cabinet has decided, but I think you can take as a good indication what Cabinet will do from what has already been published. That is really as far as I can go. I probably have even crossed the line.

*[Inaudible interjection]*

**The Chairman:** The Member for George Town Central.

*[Inaudible interjection]*

**Mr. Kenneth V. Bryan:** Mr. Chair, following up to the question just posed by the Member for North Side, I have similar concerns as to whether the date and the question is going to stay the same because, if there is a possibility that it is going to be changed, then we also may have to amend [clause] 4(1), which practically outlines what the question is about.

Question 4(1) which we decided, based on the amendment—

**The Premier, Hon. Alden McLaughlin:** Clause 4(1) I think you mean.

**Mr. Kenneth V. Bryan:** Clause—sorry, I apologise.

Clause 4(1) which says: “**the matter of national importance is whether the Islands should continue to move forward with the building of the cruise berthing and enhanced cargo port facility.**”

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I believe I can help the Member.

Mr. Chairman, I have just moved an amendment to [clause] 4. If the Member looks at paragraph 2—

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** No, he is talking about clause 4.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Clause 4 (1)? We are not proposing to change clause 4 (1).

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** No, Mr. Chairman. Clause 4 (1) reads: “**The matter of national importance is whether the Cayman Islands continue to move forward with the building of the cruise berthing and enhanced cargo port facility.**”

Mr. Chairman, with the exception of the inclusion of the enhanced cargo port facility, the language of sub-clause 4 (1), is taken from the CPR petition and material that was on their website saying what they wanted to do. We have striven, and will continue to strive to reflect, as far as it is possible, what we are able to discern the petitioners wanted done.

The one area of disagreement which we will not resolve, is that they do not wish the enhanced cargo port facility to be included in the question; but as we have pointed out over and over again, the project has

always and only ever been, about both components: the cruise berthing and the enhanced cargo port— they are indivisible. Voters are being asked whether or not to proceed with this project, not being asked whether we should separate the cargo port bit with all the issues about how it will be funded et cetera. It is only one project.

I have not indicated that we propose to change the question, but in any event, it would still be in accordance with these basic provisions regardless of how it is worded.

**Mr. Kenneth V. Bryan:** Mr. Chair, through you: that is exactly what I was trying to get at. I just want to make sure that we clarify that the parameters are still going to be based on clause 4 (1) which has those indications and, because there was a possibility of changing, I want to make sure that the listening public knows that it will not be going outside of those parameters, regardless of whether there is a minor change by the Cabinet.

**The Premier, Hon. Alden McLaughlin:** [It is an undertaking I can give, Mr. Chairman.](#)

**Mr. Alva H. Suckoo, Jr., Elected Member for Newlands:** Mr. Chairman.

**The Chairman:** The Member for Newlands.

**Mr. Alva H. Suckoo, Jr.:** Now that we established that the CPR Petition did not introduce the question on the cargo facility, I wonder if it wouldn't be improper now to proceed on the basis of including that in this Referendum? What are the Government's thoughts on having a separate Referendum on cargo only— if the Government feels that it is that important?

*[Pause]*

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I don't know how many more times I can explain that the project is indivisible. You cannot ask a question which cannot be answered properly in practical terms. There is no separate cruise berthing facility project that is proceeding.

We have made the case over and over again. We have passed the Bill. Had we not included the question in this Bill, there would have been no scope for this discussion in Committee stage because the determination of the question is a constitutionally assigned responsibility of the Cabinet, not the Members of the Legislative Assembly.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, in the context of section 70 of the Constitution, it is relevant for us to discuss that because the matter of national importance raised by CPR is only cruise berthing, so if the Government wanted to have a question on cargo, then perhaps the Government should have its own Referendum on the cargo.

**The Chairman:** But I—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman—

**The Chairman:** Honourable Members, we don't want to advance this. We have discussed and debated it; really, we need to stick to amendments, et cetera.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, if I may, sir, Clause 2(3) in the amendment says:

**“(3) In settling the wording of the Referendum question the Cabinet shall, as far as possible, ensure that the Referendum question is—**

**(a) clear and simple;**

**(b) directed at the core matter of national importance under subsection (1); — [...]**”

**The Chairman:** Honourable Leader of the Opposition, what I am saying is that we traversed this ground in the debate already. What we are doing now is rehashing the debate, which is not permitted.

**Hon. V. Arden McLean, Leader of the Opposition:** No, Mr. Chairman, I beg to differ.

**The Chairman:** I know you are differing but I am not going to make you differ much longer. I will give you a couple minutes more.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, we debated the Bill as presented and gazetted. We are here changing that, therefore—

**The Premier, Hon. Alden McLaughlin:** But not this point, Mr. Chairman. The question that we are talking about now is the same question that is in the Bill.

**Hon. V. Arden McLean, Leader of the Opposition:** No.

**The Premier, Hon. Alden McLaughlin:** Yes. Read it, or do you want me to read it for you?

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, subsection 3 of 4 in the Bill—

**The Premier, Hon. Alden McLaughlin:** Sub-clause.

**Hon. V. Arden McLean, Leader of the Opposition:** —is about the ballot paper to be used for the purpose of the Referendum shall be in the form set out in Schedule 1. Sub-clause 3 now has turned—

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** We didn't debate this point. We did not debate the amendments.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I am not suggesting that he has debated them, but the Member is quite intentionally ignoring the sub-clause above the one he just read which has the question not only printed there, but printed in bold! And it was debated exhaustively.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I totally agree with my good friend, the Premier; however, he is now introducing a new provision in this amendment to be included in this Bill. The one about the guidelines on how it has to be settled and you are saying that we should not be able to question that because we have already—

**The Chairman:** Honourable Member, I said very clearly, not about the question; what I am hearing is an ongoing debate. I begged Members earlier, for certain reasons, that we try to keep to questions, and be as judicious as we can in what we have to say, because of the timing— for certain reasons.

**Hon. V. Arden McLean, Leader of the Opposition:** And Mr. Chairman, I want to be as cooperative as possible with you and the Premier, however, there are questions that need to be asked about how this thing is going to work, because we had the presentation by the Government on the Bill as it was. I am now saying that we at least need to be able to get an explanation from the Government as to how these new clauses are going to work.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, the debate— and it is quite deliberate, and I don't mind because I have been on that side. The effort, especially by the Deputy Leader, is to reopen the debate on whether or not an enhanced cargo port facility should be a part of the question or not.

As you said, Mr. Chairman, we have been over that ground over and over, as the old people say.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, with all due respect, we have not been over all of this ground because you are introducing an amendment to the Bill and that amendment sets out criteria, and one of those criteria is unambiguous. If you have a question that refers to two projects: The Cruise Berthing and Cargo, it is ambiguity.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** It is; so, you are now introducing a question that does not meet the guidelines of what you introduced in your amendment.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, shall I answer that shortly by reference, again, to the Constitution and to what we are trying to do: one of the objections of the Opposition, and the CPR through their Counsel—

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, we are in Committee—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I am speaking.

**Mr. Alva H. Suckoo, Jr.:** There is no need to slag us off, we are doing our jobs.

**The Chairman:** Member for Newlands, when the Premier is finished you [may speak].

**The Premier, Hon. Alden McLaughlin:** The Member needs to get rid of that... what do you call that thing you wrap things in? Very, very, thin skin—I am not slagging off anybody.

Mr. Chairman, as I understand it, the complaint was that Cabinet had gone ahead and decided the question, and determine the date, before this Law was passed. As I said earlier, we think that any procedural irregularity would be cured by passing the legislation, but we said no; out of an abundance of caution—and in deference to what the other side is saying—we are going to remove it from the Bill, pass the Bill, and *then* Cabinet will exercise its constitutionally assigned function of settling the question and determining the date.

Now, we having agreed to that, the Deputy Leader of the Opposition is trying to take onto himself a function which is constitutionally given to Cabinet alone, after having complained that we shouldn't have brought it to Parliament in the first place.

**Mr. Alva H. Suckoo Jr.:** Mr. Chairman, I am doing no such thing. I don't understand where the Premier is going with that argument.

My whole point in raising this was to point out that the guidelines now include the word 'unambiguous'. In my personal opinion, I am asking a question because I would like an answer on how the Government thinks about it. I mean, it is a Cabinet function, but the Cabinet is enabled by this legislature, so I have a right to ask any question on the amendments. I am simply asking questions; if you don't want to answer you don't have to, but it is my job to ask.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** Don't you think that it would be reasonable now, based on the ambiguity clause in there, that you are introducing some ambiguity, because you have been talking about cruise berthing and cargo. Putting that there, really, in a sense, becomes a possibility that you can confuse people, because you

may have people who support cargo but do not support cruise berthing.

**The Premier, Hon. Alden McLaughlin:** Mr. Chair—

**The Chairman:** Whatever the question you want to ask, you have to ask it. What we do not want to get into is this matter of one project, two components, (cruise, cargo); that was debated—right? The cargo thing was debated, so are we now going to try to debate it again? Sounds to me, that is what it is, honourable Member.

**Mr. Alva H. Suckoo, Jr.:** No, Mr. Chairman. I'm only asking if the Premier feels that it introduces some ambiguity.

**The Chairman:** I think he must have said one hundred times that it wasn't, but anyway.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, the answer, as you correctly said, is 'no', but let me say this: what is being proposed in the amendment here, as I said, is a distillation of the principles of the Venice Convention for the good conduct of Referendums. These are the same principles that we used in the previous determination. We are now giving them the force of law.

If at the end of this exercise, when the Government publishes the question, the Member or anyone else feels that we have not complied with this, then they can do what they are threatening to do—seek judicial review. We shall meet it when it comes.

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Chairman:** We are moving shortly to the next matter.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Chair, but please allow me two questions in respect to this because everybody has been speaking and I haven't gotten my chance to talk about that particular point.

I must say that I agree that this word "unambiguous" came up after. The first time I heard it referred to was right before the second to last speaker, the Attorney General.

**The Speaker:** *[Inaudible]* reference?

**Mr. Kenneth V. Bryan:** It was not referenced to in the Bill itself, because I would have gone to great lengths, within my debate, to talk about the lack of clarity that many people have expressed to me in respect to the question. If we are now creating guidelines for the framing of the question in the new law, we should have been able to talk about the guideline—what we are doing is putting in guidelines now, after we have created the law.

I could have said, “Listen, maybe there should be added guidelines in the Bill.” I am a bit confused myself, in respect to adding new elements to the Bill after the Bill has been debated.

**The Speaker:** *[Inaudible]* going to do.

What is the Member asking? Are you asking a question?

**Mr. Kenneth V. Bryan:** Okay, here is the question, Mr. Chairman: Is it normal practice, to add brand new elements to a Bill that you have already debated, that go outside the remit of the debate?

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman.

**The Speaker:** Hon. Premier.

**The Premier, Hon. Alden McLaughlin:** That happens in almost any legislation of substantial nature here; I have seen fifty, sixty different clauses included.

Mr. Speaker in any event, as the Attorney General will attest to, I was insistent that when we published the question initially, we put out the principles by which we had determined what the wording of the question should be. They came from this very same source, the Venice Convention. All we are doing now is seeking to give the force of law to those principles which have guided what the Cabinet has done so far; and to ensure that everyone is aware that these are the principles which will guide the question when it is formally settled and gazetted. That’s all.

**Mr. Kenneth V. Bryan:** Mr. Chair, like you, I want to move on so I will ask this last question because it is important and is the reason I am getting to this point.

I appreciate and accept that the Government has recognised their failings in respect of this Bill and have now decided to separate the question from the Bill itself— I respect it, and thank you for manning up and accepting your faults; but here is my problem, Mr. Chair: I am concerned that because the question has been separated, this Bill will now be used moving forward as a base Bill for Referendums.

*[Inaudible interjection]*

**Mr. Kenneth V. Bryan:** No.

*[Laughter]*

**Mr. Kenneth V. Bryan:** What I am concerned about is [that] because it becomes a general law, as the Deputy Leader of the Opposition is saying, to deal with Referendums, there may be a temptation to use it in the future without proper regulations on how you deal with the question for the future. That is my question. Is that a reasonable fear?

*[Pause]*

**The Chairman:** *[...Inaudible]* continue this, unless there is something else that is going to be asked. First it was about cargo, now it has gone to something else on the same item.

**Mr. Kenneth V. Bryan:** Mr. Chair, I my question was not answered, sir— unless you are overruling, Mr. Chair, to say that my question is not going to be answered, which I will accept.

**The Chairman:** I don’t want to tell you that it is as plain as the nose on your face, that any new matter that you want to bring or anyone is going to start for a Referendum, will come to this House by a Bill to become Law. Am I right? That’s obvious. I mean, you will have to go through the entire rigmarole again of getting twenty-five per cent. I think that is understandable.

**Mr. Kenneth V. Bryan:** Mr. Chair, maybe the Government can give their commitment today that they will actually create a proper Referendum law moving forward. Maybe the Premier would be willing to do that, because obviously, he highlighted the concerns of not having one—

**The Chairman:** Can I suggest to you that if the Premier doesn’t answer you and you don’t get the law, that you bring a Motion?

**Mr. Kenneth V. Bryan:** I brought a couple of those too and they didn’t answer them.

**The Chairman:** The question then is that the clause—

**Mr. Alva H. Suckoo Jr.:** Mr. Chairman, my apologies but I do have a question on a separate sub-clause.

**The Chairman:** A part of that clause?

**Mr. Alva H. Suckoo Jr.:** The same amendment—6C.

*[Crosstalk]*

**The Chairman:** We are still on clause 4. There is no 6c. There is 4(6) which says the outcome of the Referendum. Is that what you are talking about?

*[Inaudible interjection]*

**The Chairman:** “The outcome of the Referendum shall be binding on the Government”, is that what you are talking about?

**Mr. Alva H. Suckoo Jr.:** Exactly.

I brought this up in my debate but I don’t think it was clarified as to why we are doing this. This clause

says “vote in the Referendum in favour of, or against, [the Referendum question].”

If you read section 70 of the Constitution:

**70. (3) Subject to this Constitution, a Referendum under this section shall be binding on the Government and the Legislature if assented to by more than 50 per cent of persons registered as electors...**

It does not say “or against”, so my question is why the difference with the Constitution. The constitution says one thing and the Bill says another.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, the language in the Constitution is a bit... ambiguous. I hate to use that word, but could not think of another one. We actually sought a legal opinion on this because, if you read this literally—literally—there is no way that a No vote could be binding; and such could never be the intent of the section because the Constitution does not refer to anything other than assent.

If we accepted that without further analysis, with a question as proposed—  
[Inaudible interjection]

**The Premier, Hon. Alden McLaughlin:** The no vote could never be binding, because the section says “Subject to this Constitution, a Referendum under this section shall be binding on the Government and the Legislature if assented to...”—if assented to—“by more than 50 per cent of persons registered as electors in accordance with section 90”.

We looked at it and we said, it could never be that the No vote could ever be binding, so you would always have to craft the question in a way that is assented to. The AG, other counsel and I discussed it, and then we sought a constitutional opinion on it and they said, “You are absolutely right, that cannot be the case”. Can you imagine the confusion if we simply put that into the law now?

What we have put into the law is the clear instruction, to the Supervisor of Elections and everybody else, that the outcome of the Referendum shall be binding on the Government and the Legislature if more than 50 per cent of persons registered as electors, pursuant to the Elections Law (2017 Revision), vote in the Referendum in favour of, or against.

That is why we did not use “assent”; because if we used it you wind up with these arguments, “Well, they did not assent, they voted against, therefore, it is not binding”—it cannot be binding, so this is our effort to ensure that if the No-vote reaches the threshold, it is clear in the legislation that it is binding.

[Inaudible interjection]

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

**Mr. Anthony S. Eden:** This question was asked yesterday, Mr. Premier. This question was asked to be clarified, which I think this does.

**The Premier, Hon. Alden McLaughlin:** Yes, yes. That is why; we spent much time thinking about this, I promise you.

**Mr. Alva H. Suckoo, Jr.:** Okay; well, that just leads to a follow up question, Mr. Chairman: if neither the Yes or No [vote] reach the threshold, what happens then?

**The Premier, Hon. Alden McLaughlin:** It is not binding on the Legislature or the Government.

**Mr. Alva H. Suckoo, Jr.:** But what happens then?

**The Premier, Hon. Alden McLaughlin:** The Government will have to take a policy decision as to what it will do.

**Mr. Alva H. Suckoo, Jr.:** Will the project move forward?

**The Premier, Hon. Alden McLaughlin:** That would be a matter for the Cabinet in due course.

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Chairman:** The Member for George Town Central.

[Inaudible interjection]

**Mr. Alva H. Suckoo, Jr.:** I was not quite finished. That is where I have an issue with this, because— and this is just my view, and I could be wrong, but this is how I look at it: The Constitution said those assenting to, so you have a question put to the people—

[Inaudible interjections]

**Mr. Alva H. Suckoo, Jr.:** I am just trying to get a clear understanding of what the Government will do because the Yes vote is required to reach the threshold in order for the Government to proceed—

[Inaudible interjections]

**Mr. Alva H. Suckoo, Jr.:** Those assenting to.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I think the Member is being confused by the use of the word *binding*.

Binding means the Government and the Legislature are bound to do something or not to do something; but that does not mean that if it is not binding, the Government can't still decide, “well, we are going to go ahead or we are not going to go ahead.” The distinction is between “binding” and “advisory”. The nature of the result; how the result is to be treated.

**Mr. Alva H. Suckoo Jr.:** My question is still there. If you don't get a binding yes or a binding *no*... I heard the Premier say in an interview that he would proceed, but in order to proceed, you need to meet that threshold for the Yes vote.

**The Premier, Hon. Alden McLaughlin:** No.

Mr. Chairman, at the risk of taking up more of the Committee's time than is necessary, let me go back to basic, basic, constitutional principles: You call a general election, a number of candidates and political parties contest the election; there is a result, and a Government is formed. Everyone ran on some platform or the other.

In this case, the majority of the people who ran and formed the Coalition Government, ran on a platform that included a promise to the electorate that they would build a cruise berthing and enhanced cargo port facility.

**Mr. Kenneth V. Bryan:** Mr. Chair—

**The Premier, Hon. Alden McLaughlin:** The majority of the Coalition Government ran—

**Mr. Kenneth V. Bryan:** Mr. Chair, I apologise—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, would the Member please let me finish?

The Coalition Government ran on a platform on which we promised this. Now, five-plus years down the road, a group which has become known as CPR decide that they don't like that Government policy so, they start a petition, and a year later— so, six years-plus— they reached the required number to trigger a people-initiated Referendum, as the Constitution permits.

Their objective is to stop the Government from executing its policy which it promised it would do when it was elected. That is significant interference with the Government's mandate and policy. Thus, the Constitution rightly says, that if that is what you want to do— you want to stop or change government's policy— you have to demonstrate that more than 50 per cent of the electorate agrees with you, because you are now seeking to change the outcome in policy terms of a general election of a democratically elected government. That is why the threshold is where it is.

If you do not reach the threshold, you have not bound the government to stop proceeding with its project. Faced with the result of a Referendum which falls short of the binding threshold, it now becomes a political and policy decision of the Government, to decide whether to proceed or not. That is how the system works, that's how it is set up to work.

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Chairman:** The Member for George Town Central.

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

I was going to ask the Premier not to suggest that there is a majority of cargo and cruise. They campaigned on the cruise but there is not a majority... it doesn't make any sense to debate that as it will only waste time, but the Premier did say that the Cabinet will have to decide if neither *yes* or *no* meets the threshold of 50 per cent plus one.

Is it not smart for the Government to help them make that decision on the basis of the breakdown of the vote? Can they give an indication as to how they are going to make that decision without meeting the threshold? There is obviously an option available to them if they don't meet the threshold to go forward or not to go forward, and this is the same reason I was debating the fact of allowing the breakdown of the vote. Each of the Members, he just said, will have to make a decision to move forward—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman that is not in this clause, sir. We will get to that clause, Mr. Chairman; we are not there yet.

**The Chairman:** I was giving him some leeway, but anyway. I think we must have gotten to the point where we can move on.

[Pause]

**The Chairman:** 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 4 passed.**

**The Chairman:** The question now is that clause 4 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 4, as amended, passed.**

**The Clerk:**

|          |                       |
|----------|-----------------------|
| Clause 5 | Entitlement to vote   |
| Clause 6 | Conduct of Referendum |

**Mr. Kenneth V. Bryan:** Mr. Chair, are we just announcing these things quickly, or what's the story, because I see that you just jumped from five to six. Are you going to ask for—

**The Clerk:** We cannot sit down here and wait forever.

**Mr. Kenneth V. Bryan:** Sorry, Mr. Chairman, I heard the Clerk say something about “waiting forever”? Sorry, I apologise, because a second and a half is not waiting forever.

*[Pause]*

**The Chairman:** The Clerk announced clauses 5 and 6.

*[Crosstalk]*

**The Chairman:** Whichever one that you have, is the usual Bill. It is the way that we usually conduct in Committee; not because this is a Referendum we are not following the usual process for Committee Stage.

**Mr. Kenneth V. Bryan:** Mr. Chair—

**The Chairman:** The Clerk got to clause 5 and then to clause 6. If there are no questions, she is moving on.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I believe the Member understand this now, it was a little confusing for him. I want to move on too, because I need to—

**Mr. Kenneth V. Bryan:** Sorry, Mr. Chair, I don’t accept—

**Hon. V. Arden McLean, Leader of the Opposition:** Hang on.

**Mr. Kenneth V. Bryan:** Mr. Leader, I apologise; it wasn’t confusing for me. What I am saying was the simple fact of jumping from one to the other quickly, without identifying whether someone wanted to ask a question about clause 5, because I was about to, but in the interest of time, I have decided not to.

**The Chairman:** You had a question, okay, she is down to clause 6.

**The Clerk:** He had a question on clause 5.

**The Chairman:** You have a question on clause 5? No. You have no question on clause 6? Okay, she will continue.

The question is that clauses 5 and 6 stand part of the Bill. All those in favour, please say Aye, those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 5 and 6 passed.**

*[Crosstalk]*

**The Clerk:**

Clause 7

Observers

Clause 8

Clause 9

Legal challenge

Presentation of petition under section 8 and security for costs

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

**Mr. D. Ezzard Miller:** I have a question about the legal challenge.

**The Chairman:** On clause 8?

**Mr. D. Ezzard Miller:** My understanding is that, for the constituency that I represent, for instance, what is going to happen at the polling station— which it would normally be three boxes: A-L and M-Z, plus the postal ballots; is that all three are going to be put into one box to be sealed by the Returning Officer, and taken to wherever the counting of the ballots is going to take place. At that counting station, the three boxes combined in North Side, are going to be combined with all the other nineteen constituencies before the counting starts.

My concern is: if there is a legal challenge that asks for a recount for the constituency of North Side, how are you going to re-separate the North Side ballots from that big box, so that they can be recounted separately—or is that not anticipated to be a possibility?

**The Chairman:** I think the Attorney General is going to answer that.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I think at the heart of this concern and understanding is that Members, and other people, are still in the mode of an election campaign where they are candidates. This is a national Referendum, there is to be a national count for a national outcome. It does not matter, for the purposes of this exercise, how North Side or Red Bay votes, as the case may be. The only reason there would be a recount is if there is something wrong with the overall count. It is not going to be counted constituency by constituency.

**Mr. D. Ezzard Miller:** Let me rephrase the question, then. If there is some sort of a challenge to the results, how are you going to ensure that the ballots recounted in a recounting process are the same ballots that were put in, in the first place? Do you have a methodology in place to reconcile the ballots that were put in the big box— I think it is called a counterfoil— to ensure that they are authentic?

*[Pause]*

**The Chairman:** Premier.

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

Mr. Chairman, I was conferring with the Supervisor of Elections. Once the mix has occurred, they would then be separated into segments and they will be counted in segments. If as you say, there is an issue that requires a recount, you are not recounting everything that has gone before; once the segment has been completed and there are no challenges to it, that segment is closed. The only time that you get into issues around counterfoils is if there is a legal challenge and the Court orders that they must see the counterfoils, et cetera.

**Mr. D. Ezzard Miller:** The Elections office will have in place a system to ensure that the counterfoil system can be certified in the case of any challenge? That's my only concern.

**The Premier, Hon. Alden McLaughlin:** Absolutely.

**Mr. D. Ezzard Miller:** Okay.

**The Chairman:** The Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, the legal challenge also requires that it be someone who voted, so how are you going to identify that the person voted?

**The Premier, Hon. Alden McLaughlin:** In the same way you would identify it as part of the election process. You are talking about greater numbers, not a difference in process.

**Mr. D. Ezzard Miller:** Mr. Chairman, for more clarity: When you separate the ballots into segments, you are going to separate the counterfoils into segments too? If the challenge is in segment two, you will have all the counterfoils for segment two separated as well?

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I conferred again with the Supervisor of Elections.

In the election process, and as far as possible the Referendum process is mirroring that, there is no provision that allows anyone to see those counter-foils in the absence of a court order so, during the counting process, if you think that a ballot has been misread, spoiled, or whatever challenge you have, you must deal with it then and there.

If you disagree with what the Supervisor or the Presiding Officer has said, and it is material—in other words, it may make a difference in the overall outcome—you can challenge it court in the usual way.

**Mr. D. Ezzard Miller:** That is my concern. If the Court asks for the counterfoils, the Elections Office will put in place—

**The Premier, Hon. Alden McLaughlin:** They will be there.

**Mr. D. Ezzard Miller:** The necessary provisions to ensure that the counter-files match the segment.

*[Inaudible interjection]*

**Mr. D. Ezzard Miller:** It should not be that difficult, because you already have them separated for North Side and East End and if you combine them, then you know what counterfoils are for them, to make one segment.

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

**Mr. D. Ezzard Miller:** Would the results be announced by segments or totality?

**The Premier, Hon. Alden McLaughlin:** Just totality.

**The Chairman:** Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** There are provisions in the law to remove Part 8, which represents petitions.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** No, we are still on. . .

**The Chairman:** On 8—Legal challenge?

**Hon. V. Arden McLean, Leader of the Opposition:** Legal challenge, yes.

**The Chairman:** Just get to the question.

**Hon. V. Arden McLean, Leader of the Opposition:** It, 8(3), says that the petition may only be presented to the Grand Court by a person who voted in the Referendum.

**The Premier, Hon. Alden McLaughlin:** How is that a difficulty?

**Hon. V. Arden McLean, Leader of the Opposition:** Well, the Supervisor now has the added responsibility, or work, to identify that person having been in the poll. These are the times when that number which is unique to the voter, which those observers have been saying that we should get rid of—

The Supervisor cannot rely wholly and solely on that person having been marked off. He needs to get the counterfoil plus the ballot, which is now mixed up amongst twenty-odd thousand; but if we knew, like in general elections, that the person who objected was on the East End voters' list, then he would only have to go through the East End list. Do you follow?

**The Premier, Hon. Alden McLaughlin:** Yes; but— Mr. Chairman, with your permission, sir. The last time I ran for the overall district of George Town, before we

changed to Single-Member constituencies, there were more than ten thousand registered voters.

**Hon. V. Arden McLean, Leader of the Opposition:** You have twenty-one thousand now.

**The Premier, Hon. Alden McLaughlin:** That is what I am saying.

**Hon. V. Arden McLean, Leader of the Opposition:** It is all relative, you saying?

**The Premier, Hon. Alden McLaughlin:** Yes, exactly.

**Hon. V. Arden McLean, Leader of the Opposition:** However, we have never done that before— mix all of them together.

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

**Hon. V. Arden McLean, Leader of the Opposition:** No, we have not.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Why are we doing it now, then?

**The Premier, Hon. Alden McLaughlin:** Because it is a national Referendum. It is a national result; it is not a constituency-by-constituency result.

**Hon. V. Arden McLean, Leader of the Opposition:** No, but in all other Referendums they were counted separately, you see. Kept separate. Every one.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Well, both. Let me put it that way: both. They were kept separately.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Why are we doing it separately, is the question.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** However, 2009 was a national count too, and we did them separately.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** I am talking about the legal challenge. The Premier is saying that it is all relative, that when it was just George Town it was ten thousand. In 2009 it was counted by constituency— well, East End only had six; it was

counted by constituency and reported from a national perspective.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, if it would ease the Member's mind, we have had extensive consultation with the Supervisor of Elections on this entire Bill and he is more than satisfied that they are quite capable of managing this process, otherwise, we would not have put it in the Bill.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I am sure the Supervisor will be able to confirm that there has been no instance where there was one count mixing all the votes throughout the whole country. If that is the case, then the Elections Office has been breaking the Elections Law since 2009, in that the Supervisor must report the outcome of any vote in this country— be it a general election or Referendum— broken down by electoral district.

The 2009 Constitution [Referendum] has been used as an official report ever since; it has been, and remains on the website, broken down by electoral district.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** This one is not different.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** How is it different?

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I don't know how many times I can repeat this. The Government has taken the position, after consultation with the Supervisor of Elections, that this is to be treated as it ought to be treated. It is a national Referendum on a matter of national importance thus, the count will be done, and the report will be given, on a national basis.

The Opposition is quite entitled to its view that they want it to be treated differently so that they are able to determine how their constituents voted, and they can decide whether they are going to pick up the shovel and go down along the bay, but—

*[Laughter]*

**The Premier, Hon. Alden McLaughlin:** The Government has taken a policy decision about it, and it is reflected in the Bill.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman.

**The Chairman:** The Member for Newlands.

**Mr. Alva H. Suckoo, Jr.:** I am a reasonable person Mr. Chairman, so I would be willing to be persuaded if the Government could tell me why it is choosing to pursue a more difficult course of action.

The question is why are you choosing the more difficult option? It would be easier in terms of logistics, counting, security of the ballots, dealing with challenges, if it was done on a constituency basis, so why are you taking the more difficult option?

**The Chairman:** Honourable Member, I think I heard you with that same question in the debate.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, with all due respect, this is Committee.

**The Chairman:** No, this is not a debate. It is not a debate. We have gone long past when I thought we would have been finished by now because Members are choosing to go through all those things over again; and I told you some reasons why I am not going to allow it, no matter how reasonable I want to be this afternoon.

**Mr. Alva H. Suckoo, Jr.:** But Mr. Chairman—

**The Chairman:** Questions that have been answered in the debate are being answered here again, and it is really getting to the point that it has gotten back into the debate. That is not what we are here for.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, I am asking a question, though. I asked the question, and if we had gotten an answer I would have moved on.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, can I refer the Member to my previous answer to his Leader?

**The Chairman:** That's your answer.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, if I may.

I want to leave too. I have Ms. Stella in East End, who is 104 today and I really need to go visit her; but, certainly, we have a responsibility, as this country's lawmakers, to ensure that we are satisfied that the laws are done in a way that—

**The Chairman:** Yes, Leader of the Opposition. You have every right to be satisfied, to try to ensure...

That is what you were doing in your debate, and you have come and asked questions and no one is curtailing you all on this. You asked questions and debated for two hours— you, yourself, debated for two hours and ten minutes.

*[Inaudible interjection]*

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Chairman:** The Member for George Town Central.

Please, Honourable Members, let us be reasonable. I am not going to allow this debate, and debate and debate. The Member for George Town Central.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Chair. The Premier just said that he was advised—

**The Chairman:** Sorry?

**Mr. Kenneth V. Bryan:** I am just trying to get a clarification as to the Premier's answer before the last one; that he was advised by the Elections Office to treat this as a national vote as opposed to a district vote. Can he clarify that, because he is saying that it is a policy decision and he is saying it is the Elections Office.

**The Premier, Hon. Alden McLaughlin:** No, Mr. Chairman, I never said anything about being advised.

I said that the Government consulted with the Supervisor of Elections, who confirmed that his office is quite capable of executing the count as a national one; and that, as a matter of policy, the Government believes that this is a national Referendum on a matter of national importance, therefore, the count and report of the Referendum's outcome should be on a national basis.

**The Chairman:** The Member for George Town Central.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Chairman.

Through you, I would suggest that maybe the Premier double check the Hansards, because he said he was advised to treat it appropriately like a national debate. That's what I heard. Now, I am happy that he has clarified that was not what the Elections Office said and that the decision not to have it broken down is, in fact, a Government policy.

Mr. Chairman, now that that is clear, please allow me a last question.

In respect to previously—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I need to clarify that because—

**The Chairman:** The Premier.

**The Premier, Hon. Alden McLaughlin:** The Office of the Supervisor of Elections functions under the authority of the Governor. If the Elections Office says to us, (to Government or to this Parliament), *this cannot work, it is somehow going to undermine the integrity of the system*; there is no way that the Governor is going to sign off on any such legislation.

Long before I came into this, the practice is to have these things done in consultation with the Office to ensure that the process, and its integrity, are preserved.

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Chairman:** The Member for George Town Central.

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

Can the Premier say whether the Elections Office has allowed them more than one option in respect of the results of this; one being national and one being by electoral district?

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, the option is there, clearly; but I am not going to go into an in-depth analysis of the discussions that we had with the Supervisor of Elections.

The outcome of those discussions is the Bill before the House. If the Opposition doesn't agree with it, they can do what they have been doing for the best part of the year: complain about it.

**Mr. Kenneth V. Bryan:** Mr. Chairman, my last follow-up is in relation to a previous question which he delayed until it got to this point.

He said that he will address the concern that if the 50 per cent plus one threshold was not met For or Against, the Government would have to consider what to do. I ask the Premier: doesn't he think that the breakdown in the electoral district would help his Administration to do so; and if not, how will they make that decision? Are there any guidelines in respect to that?

**The Chairman:** The Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I listened to the Member's debate during the second reading; he believes that what his constituency decides is what ought to govern his actions. If he survives long enough in this place to get on this side, he will come to understand that when you are part of a government, what your constituency wants does not necessarily determine what government policy is.

What a constituency thinks individually has little bearing on what the Government will do. What will guide what the Government does is what the national vote says.

**The Chairman:** The question is that clauses 7, 8 and 9 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 7, 8 and 9 passed.**

**The Clerk:**

Clause 10                      Trial of petition under section 8

**The Chairman:** The question is that clause 10 stands part of the Bill. All those in favour, please say Aye, those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 10 passed.**

**The Clerk:**

Clause 11                      Power of the Judge

**The Chairman:** The question is that clause 11 stands part of the Bill. All those in favour, please say Aye, those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 11 passed.**

**The Clerk:**

Clause 12                      Application of Elections Law (2017 Revision)

**The Chairman:** The question is that clause 12 stands part of the Bill.

**Mr. Alva H. Suckoo Jr.:** Mr. Chairman, clause 12(4) is another issue that I raised in my debate.

This clause allows Cabinet to amend Schedule 2 by Order. Schedule 2 contains references to the Elections Law and what I consider primary legislation. Why are we allowing Cabinet to amend legislation by Order?

**The Premier, Hon. Alden McLaughlin:** Mr Chairman, that is not at all uncommon, but I will ask the Honourable Attorney General to address the point in more detail.

**The Chairman:** The Honourable AG had to step out a minute.

**The Premier, Hon. Alden McLaughlin:** And Mr. Speaker, we are simply rehashing what was dealt with in the debate. The Honourable Attorney General spent the best part of an hour yesterday going through all of this. Indeed, to the point, Mr. Chairman—

**Mr. Alva H. Suckoo, Jr.:** I have a point to make.

**The Premier, Hon. Alden McLaughlin:** That you sought to intervene about the granular nature of the questions that were being asked. I do not know what more we are going to be able to say that will satisfy the Member but, with your permission, I will invite the Honourable Attorney General to attempt to do so.

**The Chairman:** The Honourable Attorney General was out of the room. Could you repeat the question, please?

**Mr. Alva H. Suckoo, Jr.:** Yes. Why is there need for clause 12.4? **The Cabinet may by Order amend Schedule 2**— and Schedule 2 contains primary legislation.

**Hon. Samuel W. Bulgin, Attorney General:** Mr. Chairman, at the risk of repeating what I said yesterday, the practice of having a provision in primary legislation which allows for Cabinet to amend that legislation by way of an Order, or Regulations, is a very common practice employed by most common-law countries that I am aware of; and it is done for any number of reasons, including for convenience or to address instances of emergency.

In a number of instances, what happens is that there are events which might require amendment to the law. Usually, (sometimes), they are not very significant amendments and, rather than having to reconvene Parliament each time, because for whatever reason it may be not be seated, the legislature or parliament usually delegate those functions to other functionaries— Ministers, Cabinet or other public officers— to allow them to deal with those minor amendments rather than having to come back to Parliament.

Mr. Chairman, usually, these are instruments that have the force of law and are usually prescribed by some superior competent authority— in this case the Parliament; but, other than to reiterate that it is a very common practice and that there are a number of pieces of our legislation on the books that have those provisions, there is not really much more I can say by way of amplification to that question.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman.

**The Chairman:** Member for Newlands.

**Mr. Alva H. Suckoo, Jr.:** I hear the Honourable Attorney General, but I am still very concerned because, if you look at the Bill, there are six pages in the main section of the Bill that I consider primary legislation. Schedule 2 is about fourteen pages so, the significant body of this Bill is contained in Schedule 2; and what this Bill is asking the Parliament to do— us, as legislators— is to delegate our law-making authority and ability to the Cabinet.

With no checks and balances, with no debate, with no consultation, Cabinet can, at will, by Order, change legislation. I do not even know if those changes would require the Governor to assent to them, so we are completely bypassing the entire law-making, Parliamentary, and consultation processes. We are giving Cabinet sole authority to change this law at will— what is contained in this law, plus the references to the Elections Law.

What we are doing, is giving them complete authority, with no checks and balances; they could completely change the nature of this law overnight— not saying that they will— and we wouldn't know, unless we check the gazette. That does not trouble anyone?

**The Chairman:** The Honourable Attorney General.

**The Attorney General, Hon. Samuel W. Bulgin:** Mr. Chairman, thank you very much and thanks to the honourable Member.

Mr. Chairman, I understand the honourable Member's consternation, but it is a matter of government policy— not just this Government but successive governments over the years— that this is a convenient way to legislate. Usually, as he says, the orders are gazetted so the country is on notice as to what transpired and if there is something untoward about it, I am sure there is another recourse that can be employed; however, Mr. Chairman, it is a very common practice not unique to this piece of legislation, and I am sure we will see it happening going forward.

It is really a matter for Government how they would want to address the honourable Member's concern about the ability of Cabinet to make this secondary legislation, but it is a part of our parliamentary construct.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, if I could add to that.

I am sure it is generally the case that, because this particular Bill is obviously of great national interest, there is greater attention to what we are doing here today. I think it is important to point out that there is nothing unusual with what is being proposed by this legislation. Countless pieces of legislation have schedules to them which are susceptible or amenable to change by Cabinet, not just this Referendum Bill.

As the learned Attorney General pointed out, this is the way our system still works and has worked for decades.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, if I may.

**The Premier, Hon. Alden McLaughlin:** Mr. Chair, if I might say one thing— if the Leader of the Opposition would be so kind.

The risk of putting this in the body of the legislation so that the only way it can possibly be changed is to convene another meeting of the Legislative Assembly is that, most things in here relate to operational exercises. The ballot paper is in Schedule 1; there are things about the persons who are able to remain in the polling stations, the Presiding Officer, stuff relating to observers, that sort of thing.

In an extreme case, if it is determined that there is some omission or error, and we cannot fix these particular problems without calling a meeting of the Legislative Assembly, it could completely derail the holding of the Referendum while you wait to convene a Meeting of the Legislative Assembly to fix it. That is why these operational matters are placed within the Schedule— so that they can be quickly adjusted if the need should be identified.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I hear the Premier and the Honourable Attorney General and I have been here long enough to see Cabinet being given the authority to change schedules and Cabinet having been given the authority to make regulations.

I agree with the Honourable Premier that these are operational matters when this is extended thereto from this Parliament because you are not going to make me acquiesce my responsibility as a representative of the People and a Member of this Parliament; because my job is to make law, it is not Cabinet's job. That is number 1.

Now, in those cases that we have particularly and Parliament has enabled Cabinet to do those things, it has always been specific to that law— to that law— nothing else; to that Schedule in that law; to that law to make operational regulations.

In this case, we are talking about a separate law that has already been enacted. We have a modification schedule which Cabinet can change to change the law that we— hang on, now— that we have already put in place, which is taking the responsibility away from this Parliament and giving it to Cabinet to make law. [To] make regulations, secondary legislation, fine— I am okay with that through the process of regulation, but the Election Law can be amended on the whim and fancy, on the drop of a hat by Cabinet? No.

**Hon. Samuel W. Bulgin, Attorney General:** Mr. Chair.

**The Chairman:** Honourable Attorney General.

**Hon. Samuel W. Bulgin, Attorney General:** I think I understand the confusion; I hope I can explain it to you in a way you can follow.

What we are doing is importing some of the provisions of the Elections Law into this law for the purpose of conducting the Referendum. Having put those provisions in this law, if for whatever reason it doesn't work/needs to be changed, you can change the schedule in this law by an Order— but you are not changing the Elections Law. The Elections Law remains the same. It will not be amended.

**Hon. V. Arden McLean, Leader of the Opposition:** But if—

**Hon. Samuel W. Bulgin, Attorney General:** One second.

The existing Elections Law remains the same for all intent and purposes. What we are changing is the provision in this piece of legislation, not the Elections Law; so, when you take up the Elections Law next year, look at it. Nothing is changing in there. It remains the same.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I understand that. Nothing changes there because this falls away; but I am saying—

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** This Bill, when turned law, will fall away, however, there are a number of areas which refer to the Elections Law, which say that this Referendum is going to be conducted under the Elections Law so in essence, if we are conducting it under the Elections Law, any change in the Schedule will change the operation and the intent of that law.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** For this date.

**Hon. Samuel W. Bulgin, Attorney General:** Whatever provisions from the Elections Law you import into this law, if for whatever reason you need to change those as it relates to the conduct of this Referendum, you can change the Schedule in this law; but the Elections Law will not be touched, which is the Honourable Deputy Leader of the Opposition's fear—

**Hon. V. Arden McLean, Leader of the Opposition:** No.

**Mr. Alva H. Suckoo, Jr.:** No, no, no, no.

**Hon. V. Arden McLean, Leader of the Opposition:** No, it is not our fear; it is our concern that while we are using the Election Law in tandem with this Referendum Law, if Cabinet can change the Schedule, then in essence, the operation of the Election Law will change accordingly.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** To that day; to the Referendum day.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, let me give you an example. We are not using the financing provisions in the Elections Law, right? Correct? However, this clause gives Government the ability to bring in some form of financing regulation into this Bill by amending the Schedule.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** Correct? The Government could then choose to introduce some sort of financing regulatory framework without coming to this Parliament and without any discussion or public consultation whatsoever. That is serious.

Another example, Mr. Chairman: The Government could decide to reference another law, not the Elections Law— some other legislation out there— for whatever reason and, again, change the nature of this—

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** Pardon? I am just giving an example.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** My follow up question, Mr. Chairman is, we seem to have been enabling the use of Regulations.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, off mic.

I understand the Regulations; Cabinet has to have the ability, when the Supervisor of Elections comes to them and say, we need to have twenty booths up there as opposed to two and we need to go through that road and we need to put fence around there. Cabinet needs to have flexibility in that understanding.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Through Regulation, yes; I don't have a problem with that— and for the operation of the Referendum on that day.

My concern, and if it can be allayed then I am fine with that, is that when I give them the responsibility that I have as a representative here, to change other pieces of legislation— if it was just to this alone, it would not be so bad— but the problem we have is that it could be extended and in the interest of transparency, cooperation, I believe we need to find some other way of doing that. That is all I am saying.

I certainly do not think any Member here would want to remove a provision in here which in effect affects the Referendum going forward, but I do not want to give up my responsibility for making primary legislation on behalf of the people, to the Cabinet.

**Hon. Samuel W. Bulgin, Attorney General:** So... if we take out the words, "Cabinet may amend the Schedule by Order" and put "Cabinet may amend the Schedule by Regulations", would that give you more comfort?

*[Inaudible interjection]*

**Hon. Samuel W. Bulgin, Attorney General:** You just said that.

**Hon. V. Arden McLean, Leader of the Opposition:** Cabinet has to make Regulations, not amend the Schedule.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, just so that everybody understands the potential consequences of what the Opposition are proposing: Except in a matter of national emergency, the Constitution says that any Bill to be debated in this House requires 21-days' notice prior to the start of the Meeting of the House at which it is to be debated. We have had one waiver by one Governor since this Constitution came into effect.

A National Referendum would not be a matter of national emergency. The Attorney General would advise the Governor of that, so it leaves to understand that, by proposing what they are proposing, and maybe that is the objective, they are seeking to defer the holding of this Referendum indefinitely.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, you know this Premier is becoming the most dramatic—

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** He is really taking it too far now.

The Attorney General has the responsibility to advise this Parliament and this Parliament has the responsibility of making laws to govern the people of this country. He needs to come up with something to address whatever we are discussing here— that is his job, not mine.

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Chairman:** The Member for George Town Central; then Mr. Eden, and then Mr. Miller.

*[Inaudible interjection]*

**Mr. Kenneth V. Bryan:** One of my concerns is that— although I see the potential fear the Premier just highlighted about the inability to make a quick change if something goes awry— we also have to recognise that if we leave the law the way it is, potential political interference can happen in unusual cases; I do not know if the Attorney General can talk about this.

I heard him talk about countless legislation having schedules like this in this our jurisdiction, but this is not your typical law. This is a Referendum Law where, potentially, a Government can make a change within quick order, to make a substantial difference in the outcome and I do not really think that this Government should want to be a part of the potential of that.

It is as serious, having to call an emergency Meeting to make a change, as it is to leave it the way it is, because this is about democracy. Now the Government has total control of the Referendum process and then can be accused, in the future, of potentially making changes without coming here to the full people of this country.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

Mr. Chairman, I understand, but this is one of Reagan's things—trust but verify. This has nothing to do with the current Government. I cannot trust any Government, for that matter, with the responsibility that the people of East End sent me here with.

It is a responsibility I have, to direct Cabinet so when we do a law, we restrict them to a particular schedule. *You can change this amount of days, or you could change that; all you are responsible for is to make regulations to operate this law, not to change it.* It is this House's job to do that. Ronald Reagan's trust but verify.

**The Chairman:** The Member for Savannah.

**Hon. V. Arden McLean, Leader of the Opposition:** I don't care who it is.

**Mr. Anthony S. Eden:** Thank you, Mr. Chairman.

**The Chairman:** You all want a Referendum; I can stay home that day.

*[Inaudible interjection]*

**The Chairman:** You heard what I said? I can stay home that day. If you all want to stay up in here all the time, we can do that. It doesn't look like you want get out.

*[Inaudible interjection]*

**The Chairman:** Get it right?

**The Attorney General, Hon. Samuel W. Bulgin:** Mr. Chair— Sorry, Mr. Eden.

**The Chairman:** The Member for Savannah.

**Mr. Anthony S. Eden:** Through you to the Honourable Attorney General. The amendments suggested to Schedule 2— are they limited to those specific sections listed in Schedule 2, what else does it cover?

**The Attorney General, Hon. Samuel W. Bulgin:** Mr. Chair, the things that are narrated in the Schedule are the things that we would seek to change by Order; and just for completeness, I was looking at the Referendum Law, 2009, section 9(4): **"The Governor in Cabinet may by order amend Schedule 2."**

Mr. Chair, so far... You got to learn to trust somebody.

*[Inaudible interjection]*

**The Chairman:** Allow him to finish. Honourable Attorney General, were you finished answering the Member

for Savannah? Are you satisfied, Member for Savannah?

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

**Mr. D. Ezzard Miller:** Through you, Mr. Chairman to the Attorney General.

Maybe some of the concerns could be alleviated if we simply removed "modification" from the title, under Part 1 of Schedule 2, and just say "Application of Provisions of the Election Law" because some people seem to believe that we are modifying the Election Law. Maybe if we took out the word "modification", so that the Schedule would confine itself only to the "Application of the Election Law".

**Mr. Alva H. Suckoo Jr.:** Mr. Chairman, just so I understand what the honourable—

**Mr. D. Ezzard Miller:** Mr. Chairman, I think that could still allow you to define how a section is applied or not applied; or what section of that section and how it is applied by that kind of modification. as opposed to making people believe that you are modifying the Elections Law.

**The Chairman:** The Honourable Attorney General.

**The Attorney General, Hon. Samuel W. Bulgin:** Mr. Chairman, thank you very much. Hence, it would read "Application of Provisions of the..."

**Mr. D. Ezzard Miller:** Which would still allow you to modify the application but it wouldn't have the risk of *[Inaudible]*

*[Crosstalk]*

**The Attorney General, Hon. Samuel W. Bulgin:** The Elections Law. Okay.

Mr. Chairman, if that gives Members comfort I am certainly prepared to propose it to Government as a way of allaying their fears. I really don't see any Government undertaking any wide-scale amendment to any law to cause any problems; nevertheless, if honourable Members are happy to go with that then, certainly, I have no difficulty with it.

**Mr. Alva H. Suckoo Jr.:** Mr. Chairman, I am still concerned, though, because that doesn't prevent the Government from making modifications to the Schedule by including other sections, bringing in other laws, amending what is here now or making additional omissions. I just don't understand.

I mean, if the Elections Office has said that on the basis of this Bill they are prepared to move forward, then why do we need to have that ability to change the entire thing?

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

**The Chairman:** Honourable Attorney General.

**Hon. Samuel W. Bulgin, Attorney General:** All I can say is that I am not sure what is sparking this fear on the part of the Member.

We did it in 2009; we had it in the 2012 Single-Member Constituency Law, section 9(4): “**The Governor in Cabinet may by order amend Schedule 2.**” It is a standard provision in all of these Referendum Laws, so, I am not sure what the member’s concern is.

*[Crosstalk]*

**Hon. Samuel W. Bulgin, Attorney General:** The Government makes the policy and—

**Mr. Christopher S. Saunders, Elected Member for Bodden Town West:** Listen.

**Hon. Samuel W. Bulgin, Attorney General:** We are going to follow precedent by putting this provision in the Law, if it becomes law, and hopefully there will not be any issues arising later on.

I do not have any reason to think that Government is about to embark on anything surreptitious or anything, Mr. Chairman; but as I said in this House before, you have to learn to trust somebody. You got to learn to trust the Government.

**Mr. Christopher S. Saunders:** Mr. Chairman—

**Hon. Samuel W. Bulgin, Attorney General:** If something untoward happens, then there is always recourse that you can resort to, but for my part Mr. Chairman, there is absolutely nothing impermissible or irregular—or yet sinister—about putting this provision in this Bill as was done in 2009 and also in 2012.

It is not new, it is not something that someone came up with because this particular one has to do the port. It was done in the Single-Member Constituency Law in 2012 and it was dealt with in the other one also, in 2009—it is a standard provision; and below that is another provision which says the Governor in Cabinet may make regulations. These are two standard provisions in all of these.

**The Chairman:** Honourable Members, it seems to me that you have ventilated your concerns enough. If you were going to convince the Government to do otherwise than their policy which they have put forward here, then it would have been accomplished. We are going over and over the same things, so I am going to have to cut—

**Mr. Christopher S. Saunders:** Mr. Chairman.

**The Chairman:** This part off, and take the vote.

**Mr. Christopher S. Saunders:** Can I just say one thing before you do?

**The Chairman:** Yes.

**Mr. Christopher S. Saunders:** Because I have not said anything yet.

**The Chairman:** Oh, yeah, you have been very...

**Mr. Christopher S. Saunders:** No; this is first time I am actually saying on mic now.

**The Chairman:** It was a different Mr. Saunders I heard up there?

*[Laughter]*

**Mr. Christopher S. Saunders:** No, it is the first time I am actually saying on mic; I was saying something before off-mic—I am just saying something on mic now.

What I am saying is that yes, I agree with Attorney General that we have had two Bills before, but we also got to accept that we are not bringing a Bill that mirrors the other two; so, since they went and changed something, like where they changed the whole thing on the voting and now the voting is done, we now have to go through line by line to say exactly what else is being changed; but I can tell you right now: I don’t trust anybody.

I don’t trust anybody. I don’t even trust myself, so I don’t trust anybody.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, I will just say this, if you would allow me. The Honourable Attorney General, and I say honourable, has given assurances that he doesn’t think there is anything sinister involved in this.

I know he cannot take responsibility for the entire Cabinet, but he is a member of Cabinet. I remind him that he is sticking his neck out very far in making those assurances, but I trust his opinion and, while we want to trust and verify, we are at the will of the Government.

**The Chairman:** You have made that point over and over, and your Leader has, about trusting and verifying. We need to take the vote.

**Mr. Alva H. Suckoo, Jr.:** Well.

**The Chairman:** The question is that Clause 12 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 12 passed.**

**The Clerk:**

Clause 13 Expenses of Referendum

**The Chairman:** The question is that Clause 13 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 13 passed.**

**The Clerk:**

Clause 14 Regulations

**The Chairman:** The question is that Clause 14—

**Mr. Kenneth V. Bryan:** Mr. Chair, I don't want to belittle what we went through just now, but quickly, from the Attorney General's standpoint and for clarity, so I can get my learning up to speed.

With respect to the question that we were talking about before— and I am not trying to go back to another point; the Attorney General spoke about being able to have the ability to make regulations. Is it not the same concept in this case, in clause 14?

**The Chairman:** Regulations?

**Mr. Kenneth V. Bryan:** Clause 14 says:

**“The Cabinet may make regulations—**

**(a) To provide for the conduct of the referendum as may appear to be necessary and expedient; and—**

**The Chairman:** That is clause 14.

**Mr. Kenneth V. Bryan:** Yes.

**(b) To provide any other matter, as may appear to be necessary or expedient for the purpose of giving effect to this Law.**

So, if we just went through that and talked about it all, why do we have it in another section of the Bill? I don't quite understand. I mean, if the foundation of the argument was all of that before and we have all those concerns that we just highlighted about the potential of a change in the Schedules, but then you have another section that is allowing you to have the regulations. Maybe I am mistaken as to how the Law structure works, and I need to understand it clearly.

**The Chairman:** Well, this is the only clause for the regulations, you know, clause 14. All those in favour, please say Aye. Those against, No.

**Mr. Kenneth V. Bryan:** Mr. Chairman, with all due respect, I asked a question and we simply put it to the vote? I mean, I know I am a new Member, but it would be right for you to have—

**The Chairman:** You are not a new Member. You are two years old in this House, you are no longer a new Member and you know quite well what you are doing too.

**Mr. Kenneth V. Bryan:** No, Mr. Chair. I am simply asking a question: Is this not a matter of duplication?

**The Chairman:** Well, as the Chairman, I don't see that there is duplication in this clause. I am not going to put that question. Unless someone alerts me otherwise, that there is duplication, as Chairman, I don't see that there is a duplication here.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I know I am taking a risk— the vote has already been taken; but to attempt to help the Member, if he is earnest in his quest for knowledge.

Schedule is a different matter than the Regulations. If you look through most legislation you will see regulations which confer on Cabinet the ability to, essentially, make rules to give effect to the Law itself. The Schedule usually has various things relating to how the law operates, like in this case, the presiding officer and who can be present in certain places, the form of the ballot paper, those sorts of things. The regulations are another form of secondary legislation.

The Bill proposes to give the power to Cabinet to make amendments and adjustments to the Schedule, and clause 14 now confers on Cabinet, the power to make regulations to ensure that the law can have proper effect and the conduct of the Referendum can be carried out effectively and efficiently.

There is nothing sinister about any of this. There is nothing new in this. This is an age-old process and convention that has been in this House long before I was here.

**The Chairman:** The question is that clause 14 stands part of the Bill. All those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 14 passed.**

#### **AMENDMENT TO SCHEDULE 1**

**The Clerk:**

Schedule 1

**The Chairman:** Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, in accordance with the provisions of Standing Order 52(1) and (2) I give notice to move the following Amendment to the Referendum (People-initiated Referendum Regarding the Port) Bill, 2019.

Mr. Chairman, I move that the Bill be amended by deleting Schedule 1.

**The Chairman:** The question is that the Bill be amended by deleting Schedule 1. All those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Schedule 1 deleted.**

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, let me quickly explain that.

Schedule 1 is the form of ballot paper. It has on it, the question that we had proposed; because we have gone through this process, which I explained at some length, that we are passing the legislation now and then we will propose to settle the question, we will have to do a new ballot paper. Thus, that will be done as part of the power to amend the Schedule.

#### **AMENDMENT TO SCHEDULE 2**

**The Clerk:**  
Schedule 2

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I move that the Bill be amended in Part 1 of Schedule 2, in the second column relating to “section 41 (Taking of poll and the ballot)” by—

- a) deleting the words “Schedule 1” and substituting the words “the regulations made under section 4(4)(a)”;
- and
- b) inserting after the paragraph the following paragraph —  
“Omit subsection (3).”

**The Chairman:** If there are no questions, then the question is that section 41 stands part—

**Mr. Kenneth V. Bryan:** Mr. Chair, can you—

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, not quite. It is that the Bill be amended in Part 1 of Schedule 2 in the second column relating to “section 41—

**The Chairman:** I wasn’t going to take the vote.

**The Premier, Hon. Alden McLaughlin:** Oh, okay.

**Mr. Kenneth V. Bryan:** Member for George Town Central.

**Mr. Kenneth V. Bryan:** Forgive me, Mr. Chair, please give me two seconds. You can take the vote, Mr. Chairman.

*[Pause]*

**The Chairman:** The question is that section 41 of Part 1 of Schedule 2 be amended. All those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to Part 1 of Schedule 2, as amended passed.**

*[Pause]*

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I beg to move that the Bill be amended in Part 1 of Schedule 2, in the second column relating to “section 57 (Proceedings at the close of the poll)” by inserting before the first paragraph, the following paragraphs—

“In subsection (1)(a) insert after the words “seal the ballot boxes” the words “so as to prevent the introduction of additional ballot papers”.

Insert after subsection (1) the following subsections—

“(1A) The presiding officer shall endorse in each sealed envelope under subsection (1) the name of the electoral district.

(1B) For the purposes of this Law, “envelope” shall have the same meaning as “packet”.”.

**The Chairman:** The question is that section 57 of Part 1 of Schedule 2, be amended. All those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** Honourable Members, please, if you are going to need to speak you need to catch my attention by calling my name, please.

**Hon. V. Arden McLean, Leader of the Opposition:** I know that, sir.

**The Chairman:** Do you have a question?

**Hon. V. Arden McLean, Leader of the Opposition:** Yes, but the vote has already been taken, so it doesn’t make any sense for me to—

**The Chairman:** Well, because you are being so nice we might give you another chance.

**An Hon. Member:** You are going to regret that.

**Hon. V. Arden McLean, Leader of the Opposition:** Well, I was just concerned, sir, that 57 has...

**The Chairman:** Bear in mind that the vote has gone by.

**Hon. V. Arden McLean, Leader of the Opposition:** But you nah' easy; invite me and box me around.

*[Laughter]*

**The Premier:** Mr. Chairman, I beg to move that the Bill be amended in Part 1 of Schedule 2, in the second column, relating to Section 58 (The count), as follows—

- a) by deleting sub section 1 and substituting the following:

“(1) Each returning officer or deputy returning officer, as the case may be, shall, upon receipt of each of the ballot boxes, place the required seal thereon in the presence of the observers (or, if no observers are present, then in the presence of two electors), and shall then take every precaution for its safe-keeping until the count commences.”;

- b) in subsection (1A)—

(i) by deleting the words “sub section (1)” and substituting the words “section 57(2)”; and

(ii) by inserting, after the words “mixed together” the words “then separated into segments”; and

- (c) in subsection (2) by inserting after the words “and not before, the Supervisor” the words “or the returning officer”.

**Mr. Kenneth V. Bryan:** Mr. Chair.

**The Chairman:** The Member for George Town Central.

**Mr. Kenneth V. Bryan:** In the abundance of caution, and to make sure that I am clear on what exactly that meant. You are still mixing the ballots together, that the end result will be that the data of the findings of the vote cannot be released on a district level.

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

**Mr. Kenneth V. Bryan:** I just want to clarify because I am going to vote No.

**The Premier, Hon. Alden McLaughlin:** For the umpteenth time, there will be a national count and a national report of the result, not a constituency-by-constituency report of the Referendum results.

**The Chairman:** The question is that section 58 in part 1 of Schedule 2 be amended. All those in favour please say Aye, those Against, No.

**AYES.**  
**NO**

**The Chairman:** The Ayes have it.

**Mr. Kenneth V. Bryan:** Mr. Chair, can I call for a division?

**The Chairman:** A division?

**Mr. Kenneth V. Bryan:** Yes, please.

#### Division No. 27

##### AYES

Hon. Alden McLaughlin  
Hon. Dwayne S. Seymour  
Hon. Roy M. McTaggart  
Hon. Joseph X. Hew  
Hon. Tara A. Rivers  
Capt. A. Eugene Ebanks  
Ms. Barbara E. Conolly  
Mr. David C. Wight  
Mr. Austin O. Harris  
Mr. Anthony S. Eden  
Mr. D. Ezzard Miller

##### NOES

Mr. Christopher S. Saunders  
Mr. Bernie A. Bush

#### ABSTENTIONS

Hon. V. Arden McLean  
Mr. Alva H. Suckoo, Jr.  
Mr. Kenneth V. Bryan

#### ABSENT

Hon. Moses I. Kirkconnell  
Hon. Julianna Y. O'Connor-Connolly

**The Chairman:** The results of the division:

11 Ayes  
2 Noes  
3 Abstentions

**Agreed: The clause passed.**

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I move that the Bill be amended in Part 1 of Schedule 2 in the second column relating to section 61 (Election return), as follows:

Insert subsection (1A)

“(1A) The Supervisor shall, for the purposes of determining the final threshold provided for in section 70(3) of the Constitution, adjust the official list in accordance with information—

(a) provided under section 19(1); or

(b) received by the Supervisor that confirms a duplication of an elector's name on the official list, before making a declaration under subsection (2)."

Mr. Chairman with your permission, sir, I would explain to the Committee that that provision, particularly the bit that relates to section 19(1), is put in there to ensure that before the supervisor determines the final threshold for a binding result, the names of deceased electors—which have been provided to him by the Registrar General pursuant to section 1 of the law—are deleted from the official list.

**Mr. Kenneth V. Bryan:** Mr. Chairman

**The Chairman:** The Elected Member for George Town Central.

**Mr. Kenneth V. Bryan:** I want to thank the Government, and particularly the Attorney General, for finding the necessary clauses to address this rather peculiar matter. We may argue and fight, but at least together, we found a solution to something that could potentially be seen as very unconstitutional.

My thanks to the Administration and the Attorney General for assisting me with it, and accepting it was an area that needed to be addressed.

**The Chairman:** The Honourable Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** As a matter of interest. Under section 19(1), what are we going to do about people's eligibility to be on the register, because remember that is part of 19(1) as well—and it might not be now, I am just enquiring.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** We need to decide whether it is mandatory or...

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, we really need to look at the provisions of the Elections Law, in advance of the next elections so I am more than amenable to doing that. I think we need a more modern piece of election machinery.

**The Chairman:** Just so that Members realise how far we have come it was a long time ago. November 1972, General Elections I was 17 years old; I would have been 18 in January, yet I couldn't vote. I did not get to vote until 1976 when I was 21. I was married and everything else.

*[Inaudible interjection]*

**The Chairman:** I know you didn't want me to vote. Just to say how far we have come.

**Hon. V. Arden McLean, Leader of the Opposition:** We have come a long way.

**The Chairman:** We have come a long way; but I would like to add my voice to what the Premier said. We need to advance. We need to advance it, like we need to advance our port facilities.

**Hon. V. Arden McLean, Leader of the Opposition:** Mr. Chairman, I am not going to engage you about port facilities this afternoon but I agree with you that we need to reform the Elections Law. We need to have a Commission, because as it is the Governor cannot be sued in his personal capacity and he is responsible for it, et cetera, so we need to deal with it.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I had that discussion with the Honourable Leader of the Opposition and told him that the only obstacle to getting an Electoral Commission is his agreement to a constitutional change, because that is what it requires.

**The Chairman:** Oh, okay.

**Mr. Kenneth V. Bryan:** Mr. Chair—

**Hon. V. Arden McLean, Leader of the Opposition:** No, no. You are trying to barter with that, is what you are trying to do.

**The Chairman:** The question is—

**Mr. Kenneth V. Bryan:** Mr. Chair—

**The Chairman:** Member for George Town Central.

**Mr. Kenneth V. Bryan:** I do apologise, Mr. Chair. Something else has come up which is of concern. With respect to the authority that will be given to the Supervisor, obviously, we know it was done because it is not logical to have the deceased in the list.

It made me think about section 19(2) of the Elections Law, which talks about persons who are sentenced to 12-months or more having to be taken off the list. In this case, if they have not been identified by the courts, they fall within the same peculiar situation as deceased persons who have not been taken off the list. In section 19(1) it is about the Registrar of births and deaths notifying the elections officials.

I only say that because I had preliminary discussions with some officials. Technically, under our Constitution prisoners who are currently serving more than 12-months are not allowed to vote but, because of the timeline problem that we debated last night, and acknowledging the issue here with persons who are deceased, they too will be on the list. Now, based on my

analysis of the Law, there is nothing we are able to do about that because, technically speaking, the circumstances of a deceased person and a person in prison are different. The prisoner still has the right to come and vote.

I want to ask if the Premier is aware of the process with the prison, to ensure that those persons know that they can still vote. What is the process?

**The Chairman:** When?

**Mr. Kenneth V. Bryan:** In this Referendum.

**The Chairman:** You are asking if they can vote if they are in prison?

**Mr. Kenneth V. Bryan:** Allow the supervisor to—

**The Chairman:** No, I am just trying to understand the question well.

**Mr. Kenneth V. Bryan:** The question is: For persons who have been sentenced to more than 12 months but have not been taken off the list— and there are some on the list— what is the process, through the prison, to let them know that they have the right to vote in this upcoming Referendum?

**The Chairman:** While they are in prison?

**Mr. Kenneth V. Bryan:** Yes.

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I don't know that there is any particular process in place, but [now that the issue has been flagged up, we can make the appropriate announcements and so forth.](#)

The reason we have had to make this amendment is that the official list governs who can vote; if your name is on the list, you are entitled to vote. Dead people cannot vote although I know that in some other places in the world they seem to be able to—

*[Laughter]*

**The Premier, Hon. Alden McLaughlin:** —but in Cayman, dead people cannot vote, so it is not fair for their names to be counted as part of the number, in terms of the threshold. It is different, though, with respect to prisoners, because if their names have not been removed from the official list, then they are registered electors and entitled to vote. It is just a matter of us ensuring that such is communicated.

*[Crosstalk]*

**The Premier, Hon. Alden McLaughlin:** If your name is on the list, regardless, you can vote.

**Mr. Kenneth V. Bryan:** Mr. Chair, I think the Premier has answered my concern, which is to ensure that prison officials notify all prisoners who fall on that list that they have the right to vote, because they could have read the Elections Law and thought, *oh I have lost my right to vote*, not realising that they [still] have a right. Those five could be the difference in whether this port goes through or not, so please make sure that you tell the Prison Director, okay?

**The Premier, Hon. Alden McLaughlin:** They will all vote yes, you know?  
*[Laughter]*

*[Pause]*

**Mr. Kenneth V. Bryan:** Mr. Chair, I heard your question about why I want to notify those prisoners of their right to vote. Is because it is our democracy, Mr. Chair; our Constitution mandates that they have that right regardless of whether they have made mistakes in their lives. If they are on that list, they have a right to vote.

*[Pause]*

**The Chairman:** The question is that section 61 in Part 1 of Schedule 2 be amended. All those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Section 61, as amended, passed.**

*[Pause]*

**The Chairman:** Out of an abundance of caution, the question is that Part 1, as amended, stand part of Schedule 2. All those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Part 1 of Schedule 2, as amended, stands part of the Bill.**

## **AMENDMENT TO PART 2 OF SCHEDULE 2**

**The Premier, Hon. Alden McLaughlin:** Mr. Chairman I beg to move that the Bill be amended in Part 2 of Schedule 2, in the second column relating to “rule 15 (Delivery of postal ballot paper to post office)”, by deleting the word “mail” and substituting the word “postal”.

**The Chairman:** The question is that rule 15 in Part 2 of Schedule 2 be amended. All those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.  
**Agreed: Amendment to Rule 15, passed.**

**The Chairman:** The question now is that Part 2, as amended, stands part of Schedule 2. All those in favour, please say Aye. Those against, No.

**AYES.**

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

*[Pause]*

**The Chairman:** The question is that Schedule 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: Schedule 2, as amended, passed.**

A BILL FOR A LAW TO PROVIDE FOR THE  
HOLDING OF A PEOPLE-INITIATED REFERENDUM  
ON THE ISSUE OF WHETHER THE ISLANDS  
SHOULD CONTINUE TO MOVE FORWARD  
WITH THE BUILDING OF THE CRUISE BERTHING  
AND ENHANCED CARGO PORT FACILITY;  
AND FOR INCIDENTAL AND CONNECTED  
PURPOSES

**The Chairman:** The question is that the 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: The title passed.**

**The Chairman:** The question is that the Bill be reported to the House. All those in favour, please say Aye, those Against, No.

**AYES.**

**The Chairman:** The Ayes have it.  
**Agreed: Bill to be reported to the House.**

**House resumed at 4:37pm**

**The Speaker:** The Assembly resumes its Sitting; please be seated.

## **REPORT ON BILLS**

### **THE REFERENDUM (PEOPLE-INITIATED REFERENDUM REGARDING THE PORT) BILL, 2019**

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I am to report that a Bill entitled a Bill for a Law to provide for the holding of a People-initiated Referendum on the issue of whether the islands should continue to move forward with the building of a cruise berthing and enhanced cargo port facility; and for incidental and connected purposes was considered by a Committee of the whole House and passed with amendments.

**The Speaker:** The Bill is therefore duly reported and is now set for the third reading.

## **THIRD READINGS**

### **THE REFERENDUM (PEOPLE-INITIATED REFERENDUM REGARDING THE PORT) BILL, 2019**

**The Speaker:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I beg to move the third reading of a Bill entitled A Bill for a Law to provide for the holding of a People-initiated Referendum on the issue of whether the Islands should continue to move forward with the building of a cruise berthing and enhanced cargo port facility; and for incidental and connected purposes; shortly entitled The Referendum (People-initiated Referendum Regarding the Port) Bill, 2019.

**The Speaker:** The question is that a Bill shortly entitled the Referendum (People-initiated Referendum Regarding the Port) Bill, 2019 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 Referendum (People-initiated Referendum Regarding the Port) Bill, 2019 passed.**

*[Desks thumping]*

*[Pause]*

## **ADJOURNMENT**

**The Speaker:** Premier.

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

Mr. Speaker, before I move the adjournment of this honourable House until the 8<sup>th</sup> November, the start of the Budget Meeting, I want to thank all Members of

the House for their hard work and contributions. Indeed, we have passed a historic Bill.

As I said, it involves a major national issue and a major Government project; it is divisive and people are emotional and passionate on both sides of the issue. Nonetheless, I think we have demonstrated in this House that, collectively, we have the ability to do the right thing and— most importantly— to do the people's will. Again, my thanks, and my thanks to those who have come to listen, and watched the proceedings, as well.

Mr. Speaker, with that I move the adjournment of this honourable House, until Friday, 8<sup>th</sup> November 2019.

**The Speaker:** The question is that this honourable House do now adjourn until 10:00 a.m. on the 8<sup>th</sup> November. All those in favour, please say Aye, those against, No.

**AYES.**

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

**At 4:43 pm the House stood adjourned until Friday, 8 November 2019.**