



PARLIAMENT
OF THE CAYMAN ISLANDS



PARLIAMENT OF THE CAYMAN ISLANDS

OFFICIAL HANSARD REPORT

Second Special Meeting of the 2023/2024 Session

Thursday
23 November, 2023
(Pages 1-67)

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

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PRESENT WERE:

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

MINISTERS OF THE CABINET

Hon. Juliana Y. O'Connor-Connolly, JP, MP	<i>Premier</i> and Minister for Finance, Education, <i>and</i> District Administration & Lands
Hon. André M. Ebanks, MP	<i>Deputy Premier</i> , Minister for Financial Services & Commerce <i>and</i> Investment, Innovation & Social Development
Hon. Johany S. Ebanks, MP	Minister for Planning, Agriculture, Housing, Infrastructure and Transport & Development
Hon. Kenneth V. Bryan, MP	Minister for Tourism & Ports
Hon. Sabrina T. Turner, MP	Minister for Health & Wellness and Home Affairs
Hon. Katherine A. Ebanks-Wilks, MP	Minister for Sustainability & Climate Resiliency
Hon. Isaac D. Rankine, JP, MP	Minister for Youth, Sports and Heritage
Hon. Dwayne S. Seymour, JP, MP	Minister for Border Control & Labour and Culture

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

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

OPPOSITION MEMBERS

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

INDEPENDENT OPPOSITION MEMBERS

Mr. Christopher S. Saunders, MP	Elected Member for Bodden Town West
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ABSENT

Hon. G. Wayne Panton, JP, MP	Elected Member for Newlands
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**OFFICIAL HANSARD REPORT
SECOND SPECIAL MEETING OF THE 2023/24 SESSION
THURSDAY
23 NOVEMBER, 2023
10.08 A.M.**

The Clerk: Good morning. I would ask the Honourable Premier to say prayers. Please stand.

PRAYERS

The Premier, Hon. Juliana Y. O'Connor-Connolly, Minister for Finance, Education, and District Administration & Lands, Elected Member for Cayman Brac East: Thank you, Madam Clerk. Good morning.

Almighty God, from whom all wisdom and power are derive: We beseech Thee so to direct and prosper the deliberations of the Parliament 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, King Charles III; William, Prince of Wales, and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Premier, the Speaker of Parliament, the Leader of the Opposition, Ministers of the Cabinet, ex-officio Members, Members of the Parliament, the Chief Justice and Members of the judiciary, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

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

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

Amen.

The Clerk: Please be seated.

**NOMINATION AND ELECTION OF
THE HONOURABLE SPEAKER
OF THE PARLIAMENT**

The Clerk: Thank you.

I now call for the election of the Speaker of Parliament. Nominations are now open.

Hon. Roy M. McTaggart, Leader of the Opposition, Elected Member for George Town East: Madam Clerk, I rise to nominate my colleague, the Member for Red Bay, the Hon. Sir Alden McLaughlin.

The Clerk: Thank you.

Nominations have been put forward by the Honourable Leader of the Opposition. Is there a seconder to the nomination?

The Premier, Hon. Juliana Y. O'Connor-Connolly: Madam Clerk, it is my distinct honour, indeed, pleasure, to second this nomination.

The Clerk: Thank you.

The nomination has been moved and seconded. Does the elected Member for Red Bay accept the nomination?

Hon. Sir Alden McLaughlin, Elected Member for Red Bay: Madam Clerk, I am honoured to accept the nomination.

The Clerk: Thank you, sir.

Are there any other nominations? *[Pause]* Are there any other nominations? *[Pause]*

Hon. Roy M. McTaggart, Leader of the Opposition: Madam Clerk, I would like to move a Motion that nominations be closed at this time.

The Clerk: There is a Motion for the nominations to be closed.

Is there a seconder to that Motion?

Hon. W. McKeever Bush, Elected Member for West Bay West: Seconded.

The Clerk: The Elected Member for West Bay West. Thank you.

The question now is that the nomination process be closed. All those in favour please say, Aye. Those against, No.

AYES.

The Clerk: The Ayes have it. The nominations are now closed.

As there was only one nominee to the election of Speaker, I now declare that the Hon. Sir Alden McLaughlin, Elected Member for Red Bay, is the Speaker of the Parliament of the Cayman Islands.

[Applause]

**MOTION TO INVITE
HER EXCELLENCY THE GOVERNOR,
MRS. JANE OWEN
TO ADMINISTER THE OATH OF
DUE EXECUTION OF OFFICE TO
THE HONOURABLE SPEAKER**

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

I rise to move the Motion to invite Her Excellency the Governor, Mrs. Jane Owen, to administer the Oath of Due Execution of Office to the Honourable Speaker.

The Clerk: The question is that the honourable House invites Her Excellency the Governor, Mrs. Jane Owen, to administer the Oath of Due Execution of Office to the Honourable Speaker.

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

AYES.

The Clerk: Thank you. The Ayes have it.

Agreed: Motion passed.

**OATH OF DUE EXECUTION OF OFFICE
ADMINISTERED TO THE HONOURABLE
SPEAKER BY HER EXCELLENCY THE
GOVERNOR, MRS. JANE OWEN**

Hon. Sir Alden McLaughlin: I, Sir Alden McNee McLaughlin, do swear that I will well and truly serve His Majesty King Charles III, his heirs and successors, and the people of the Cayman Islands in the Office of Speaker of Parliament of the Cayman Islands, so help me, God.

[Pause]

Her Excellency the Governor, Jane Owen: Sir Alden, I know that everybody in Parliament today, and indeed, a great many people beyond these walls around the country, will want to join me in offering you our congratulations and our support as you become our new Speaker.

In a few moments, Sir Alden will assume the mantle of the Speaker's robes and with that, sir, the

responsibility to oversee and guide this House, which is the representation of the highest form of democracy we have here, in our beloved Cayman Islands. Thus, sir, on behalf of His Majesty King Charles III, I wish you Godspeed and wisdom over the coming weeks, and months, as you carry out this really important role for us all.

Congratulations, sir.

[Pause]

The Clerk: We will give the Honourable Speaker a few minutes to robe and return to officially start House. Everybody can remain in your seats, please.

[Pause]

**STATEMENT BY
THE HONOURABLE SPEAKER**

**Hon. Sir Alden McLaughlin,
KCMG, MBE, JC, JP, MP**

The Speaker: Good morning. Please be seated. Parliament has resumed.

I want to start the few words I have to say this morning, by first thanking Her Excellency for her well wishes, as I undertake this next stage in my political life.

I also want to thank Premier O'Connor-Connolly; my leader Hon. Roy McTaggart, my colleagues in the Opposition; all of you here, in the House, as Members and Ministers who have reposed your trust in me to become yet the third Speaker of this Parliament in this term.

This term, my sixth as an elected Member, has seen an unprecedented level of political turmoil with Members changing sides and positions so many times that an observer would be forgiven for believing the Parliament has been engaged in a high-stakes game of musical chairs. Well, the music has stopped again and we now have a new Premier, new Ministers, repackaged Ministers, a rebranded Government and in me, a new Speaker. My fervent prayer—and I believe that of most of the people of this country—is that such music will not be heard again until the next general elections, which are constitutionally due by May, 2025.

Colleagues, it is time for a reset; to try again to give the country mature and stable government. In the last general elections voters *tried a ting*, as we say in Cayman and elected an unprecedented number of Independents and those Independents themselves *tried a ting* and behold the birth of PACT. Alas, PACT was short-lived and the Government has now been rebranded as the UPM—The United People's Movement. I am certain that the inclusion of 'United' in the new name, is no accident and indeed, we must all pray for unity of purpose within this repackaged Administration. Indeed, I believe the fate of Cayman, and our

people, hinges on having a Government in which all Members are pulling in the same direction.

Democracy is a messy business, not just in Cayman but all over the world, and it does not always deliver the result that voters thought we had voted for; and that is increasingly the case as not only the rise of Independents, but the rise of small parties which force coalition Governments all over the world. Yesterday was another example: the Netherlands got no less than twenty-six parties, so how long do we believe it will take for a Government to emerge from the results of that election?

Sir Winston Churchill, who in my opinion was the greatest Prime Minister that ever was, anywhere in the world, put it this way: **“Many forms of Government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time...”**

There are still many in this country who believe that party politics is a bad thing; but whether you call it a group, a team, a movement, or a party, to govern effectively requires a set of people who have coalesced around a broad set of principles and policies, and agree collectively to pursue them. That is the only way a government can be held to account by voters. Really, voting for an individual who is not associated with a team that has articulated its position on a wide range of issues affecting the country is like buying a number—you might win and get what you want, but most of the time you lose your money.

I urge the Members of Government to put behind you the events of the past two-and-a-half years and work assiduously, and cohesively, to achieve as many of the goals you have set before the next election cycle rolls around; and for those who are first-timers here, I should tell you: You have one year before the silly season begins in earnest.

I want to say a few things about the role of Speaker, and my decision to accept the position. The role of Speaker in the Westminster system of government is almost as old as Parliament itself, dating back to 1377, when Sir Thomas Hungerford was appointed. The role of Speaker was a perilous one in those early times, because the Speaker was the unfortunate one who spoke to the King or Queen on behalf of Parliament. This often involved delivering bad news to the monarch, and being the messenger of bad news had its consequences. No less than seven Speakers were executed by beheading between 1394 and 1535, hence, I believe, arose the saying, *“Don’t shoot the messenger”*—except in those days, they beheaded you.

Thankfully, the role of Speaker today is not fraught with quite so much danger, but it is still a very responsible and important Office.

I am honoured to become only the Ninth Speaker of this Parliament, and its predecessor, the Legislative Assembly. The role of Speaker, as I see it, is to preside at Meetings of the Parliament, order the business of Parliament, chair the Parliament Management Council, ensure that the rights and privileges of all Members are preserved, protect the interests of the minority in the House, keep order, and ensure that proper parliamentary process is followed.

I wish to make something absolutely clear: The Speaker belongs to the Parliament. The Speaker's allegiance is to the Parliament. The Speaker's role requires him or her to be objective and unbiased in presiding in Parliament.

I commend the Honourable Premier for having the confidence and courage to ask me, a founding member of the Progressives, a former leader of the Progressives, and the current Chairman of that beloved Party, to sit as Speaker; but I am certain that she has done so because she knows me, and knows that I am deeply conscious of the importance of preserving both the independence and integrity of the Office. I promise you I will conduct the affairs of this high office without fear or favour, and without regard to political affiliation.

Therefore, to my colleagues in the Opposition, and my fellow members and supporters of the Progressives, I assure you I have not left the Party. I have simply assumed the independent role of Speaker for the same reason I entered politics more than twenty-three years ago: *For love of country*. My first loyalty has always been and always will be, to my country and my beloved people.

To you, Premier, and your Government, you have my faithful assurance that I will do all I can to facilitate your legislative programme, and to help you get done the important business of the country which needs to be conducted here.

Finally, I say: There may be people in this country who love it and its people as much as I do; but I warrant you, none love it more. I am Caymanian first, and everything after.

Madam Premier, Members of the Government, and my colleagues in the Opposition, again, I thank you all, for your confidence in me.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE AND DUE EXECUTION OF OFFICE

Mr. Stran Ashton Bodden, Acting Honourable Deputy Governor, Temporary Ex-officio Member: I, Stran Ashton Bodden, do swear that I will be faithful and bear true allegiance to His Majesty King Charles III, his heirs and successors according to law, so help me God.

Mr. Stran Ashton Bodden, Acting Honourable Deputy Governor, Temporary Ex-officio Member: I, Stran Ashton Bodden, do swear that I will well and truly serve His Majesty King Charles III, his heirs and successors, and the people of the Cayman Islands in the office of Ex-Officio Member of Parliament, so help me God.

The Speaker: Mr. Bodden, it is my pleasure to welcome you to this House as the Acting Ex-officio Member in the place of the Deputy Governor.

PRESENTATION OF PAPERS AND OF REPORTS

Development and Planning Act (2021 Revision) - Development and Planning (Amendment) Regulations, 2023

The Speaker: The Honourable Minister of Planning.

Hon. Johany S. Ebanks, Minister for Planning, Agriculture, Housing, Infrastructure and Transport & Development, Elected Member for North Side: Mr. Speaker, I beg to lay on the Table of this honourable House, the Development and Planning Act (2021 Revision) - Development and Planning Amendment Regulations, 2023.

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

Hon. Johany S. Ebanks: Mr. Speaker, I will speak to it later on, throughout the Motion.

The Speaker: Very well.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

Beneficial Ownership Transparency Bill, 2023

The Speaker: The Bill is deemed to have been read for the first time and is set down for a second reading.

Banks and Trust Companies (Amendment) Bill, 2023

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

Companies (Amendment) Bill, 2023

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

Companies Management (Amendment) (No. 2) Bill, 2023

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

Foundation Companies (Amendment) Bill, 2023

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

Insurance (Amendment) (No. 2) Bill, 2023

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

Limited Liability Companies (Amendment) Bill, 2023

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

Limited Liability Partnership (Amendment) Bill, 2023

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

Mutual Funds (Amendment) Bill, 2023

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

Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023

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

National Pensions (Amendment) Bill, 2023

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

SECOND READINGS

Beneficial Ownership Transparency Bill, 2023

The Speaker: The Honourable Deputy Premier to move the second reading.

Hon. André M. Ebanks, Deputy Premier, Minister of Financial Services & Commerce and Investment, Innovation & Social Development, Elected Member for West Bay South: Good morning, Mr. Speaker.

It's a pleasure to welcome you in that position. Good morning, sir.

The Speaker: Thank you.

Hon. André M. Ebanks: Mr. Speaker, I beg to move the Second Reading of a Bill entitled Beneficial Ownership Transparency Bill, 2023.

The Speaker: Does the Honourable Deputy Premier wish to speak thereto?

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

Mr. Speaker, I rise to present the Bill on behalf of the Government. The Bill provides for the consolidation and enhancement of the beneficial ownership legislative framework into a single Act, and provides for incidental and connected purposes such as addressing evolving global standards.

Before I present the specifics of the Bill, I wish to provide some background which is relevant to it, as well as the nine consequential Amendment Bills which I will present during today's Meeting; hence, in the interest of time, I beg that the Hansards reflect that this also serves as summary background to the consequential Bills on today's Order Paper.

Mr. Speaker, as you are aware, the Cayman Islands has been collecting beneficial ownership information for over two decades; however, over the last seven or eight years, matters have become voluminous. Following an Exchange of Notes Agreement entered into with the United Kingdom on the sharing of beneficial ownership information in 2016, legislation was introduced in 2017 requiring companies to provide beneficial ownership information to the Registrar of Companies, which altered the Companies Act. These requirements were subsequently extended to limited liability companies and, more recently, to limited liability partnerships and other business vehicle legislation in their respective principal Acts.

Mr. Speaker, as you are also painfully aware, the Cayman Islands must also take account of European Union (EU) measures and since the beneficial ownership legislation has been introduced since 2017, the EU's Fifth Anti-Money Laundering Directive was published, which calls for increased transparency around beneficial ownership information which also has to be factored in.

Additionally, Mr. Speaker, the Caribbean Financial Action Task Force (CFATF) conducted a mutual evaluation of the Cayman Islands in March 2019 which, when finalised, gave a partially compliant rating for the transparency of beneficial ownership information. Their reasons for this rating included challenges in verifying the information provided, and a lack

of adequate and effective sanctions for non-compliance.

Furthermore, Mr. Speaker, in March 2022 the FATF strengthened its standards relating to beneficial ownership information of legal persons. These revisions included an expansion of the types of entities the standards applied to, [and] additional data points such as nationality— a mechanism of control of the beneficial owner— are all now required. Also, Mr. Speaker, the changes to the FATF standards require the provision of improved access to the beneficial ownership information by competent authorities, financial institutions, and designated non-financial businesses and professions.

Mr. Speaker, the revisions to the FATF standards that are required to implement into legislation have to have a demonstrable track record of effectiveness, which includes to get ahead of the fifth round of the FATF Mutual Evaluation Review, which will commence for all countries in 2025. We anticipate that the Cayman Islands assessment in that fifth round will be around 2026. When taken together, Mr. Speaker, in the last few years the Cayman Islands went from just having a set of easily found so-called 'Know Your Customer' rules, to beneficial ownership rules that are scattered throughout the statute book, to the various principal Acts of business entity legislation.

Mr. Speaker, this requires streamlining those rules from those Acts, into a single Act which will include the Companies Act, the Limited Liability Companies Act [and] the Limited Liability Partnership Act. There will also be consequential amendments for our regulatory laws, the Mutual Funds Act, the Insurance Act, the Companies Management Act, the Banks and Trust Companies Act, the Virtual Assets Act and the Foundation Companies Act; however, the background doesn't stop there. There is another aspect around beneficial ownership information emanating from the UK that we have to cover.

As you are also very familiar, in October of 2019, the Cayman Islands made a commitment to introducing public registers of beneficial ownership information when it became a global standard— from this point forward, I'll refer to that commitment as the 2019 commitment— which anticipated doing so by the 31st December this year. The 2019 commitment was made in response to evolving standards, chiefly, that the United Kingdom had produced a draft Overseas Territories, (Publicly Accessible Registers of Beneficial Ownership Information of Companies) Order 2020, drafted, but not enacted, but nonetheless, a draft order, prepared under the hand of the then UK Secretary of State, to comply with the requirement under Section 51 of the UK's Sanctions and Anti-Money Laundering Act, 2018.

The 2019 commitment at the time, Mr. Speaker, also demonstrated our country's commitment to international standards and our responsiveness to adapting our frameworks accordingly. However, on the

22nd November last year, the European Court of Justice issued a judgment declaring, in essence, that public access to beneficial ownership information in Luxembourg and other EU member states was a disproportionate interference with the rights guaranteed under the Charter of Fundamental Rights. Mr. Speaker, from here forward, I will refer to that judgment as the ECJ judgment.

Following the ECJ judgment, Mr. Speaker, the Ministry sought expert legal and constitutional advice on public registers, and had to engage with the UK's Foreign Commonwealth and Development Office in view of the 2019 commitment. Mr. Speaker, it was concluded by our technical team and our external constitutional counsel, that the ECJ judgment constitutes a material change in circumstances since the Cayman Islands made the 2019 commitment; and that the implementation of a register of beneficial interest accessible to the general public by the end of 2023 is not only not feasible, but, importantly, it is not constitutionally sound.

As a result, Mr. Speaker, acting on the advice of constitutional counsel, the Bill contains a clause, at 22(6), a specific provision to permit the Cabinet to make regulations to provide constitutionally permissible public access because the ECJ judgment outlines a limited window in which public access may not be a disproportionate interference with privacy rights. Certain parties who may meet a legitimate interest test in broad terms, those persons who have a genuine need to seek information so as to prevent or combat money laundering or terrorist financing. For example, a requester who shows that they're involved in an investigation into money laundering and terrorist financing.

However, Mr. Speaker, crucially, creating such regulations under Clause 22(6), should the Bill be passed, will have to be subject to an affirmative resolution in this House, which means that the relevant provisions will be ring-fenced and cannot commence until affirmed by a resolution of this Parliament, which means that there will be ample time for public consultation not only with the industry, but with the general public, to take on board feedback and their views on any such regulations.

Nevertheless, Mr. Speaker, we can grapple with that final point next year; for now, let us focus on what is actually the global standard as promulgated by the FATF, and making our beneficial ownership legislation more streamlined and efficient, ahead of their standards coming in 2025 which does not include general public access. Taking all that background together, Mr. Speaker, the Bill will proactively:

- assist the Cayman Islands in preparation for the fifth round of the FATF evaluation process to commence globally in 2025, as I mentioned before— with Cayman estimated to fall in 2026;
- consolidate the beneficial ownership legislative framework into a single, user-friendly,

Beneficial Ownership Act, thereby streamlining processes [and] procedures to ease the administrative burden on government agencies and industry participants alike;

- take a step to address the 2019 commitment as far as constitutionally permissible for the time being; and
- demonstrate, once again, that the Cayman Islands is a leading financial services centre of excellence in complying with evolving international standards.

Mr. Speaker, the Bill is arranged in thirty-four clauses and seven parts, broadly arranged as follows:

Part 1 of the Bill contains clauses 1 to 5, which sets out the title of the Bill; allows for the commencement by Order made by Cabinet; and definitions of keywords and terms used throughout the Bill, including 'legal person', 'beneficial owner' and 'competent authority'.

Part 2 of the Bill contains clauses 6 to 12, and provides for the duties imposed on the registrable beneficial owner, legal person, and the corporate services provider to identify registrable beneficial owners.

Part 3 of the Bill, Mr. Speaker, contains clauses 13 to 17 and provides for the establishment and maintenance of the beneficial ownership register which is to be maintained as adequate, accurate and current.

Part 4 of the Bill, Mr. Speaker, contains clauses 18 to 21, which set out the process that takes place to issue notices and restriction notices where the legal person has failed to provide information to the corporate service provider, and sets out what effects the notices have.

Part 5 of the Bill, Mr. Speaker, contains clauses 22 and 23 which provides that competent authority may provide access to beneficial ownership information to a number of entities, including the Royal Cayman Islands Police Service, the Financial Reporting Authority, the Cayman Islands Monetary Authority and the Tax Information Authority. The competent authority is empowered to charge such fees as may be prescribed, including for administering access to information on the search platform.

Part 6 of the Bill contains clauses 24 to 27, Mr. Speaker, which set out the powers the competent authority and the Registrar have to request information as well as the enforcement framework consisting of administrative fines and criminal penalties.

Part 7 of the Bill, Mr. Speaker, contains clauses 28 to 34, and provides for general matters in the legislation, such as the competent authority's powers to issue guidance; the Registrar's power to make rules; the Cabinet to make regulations and orders— this part also sets out the savings and transitional provisions.

To conclude my presentation of the Bill, Mr. Speaker, I would like to thank the ever-hardworking staff in the Ministry who grapple with these issues day to day with vigour, intelligence and prudence; Legislative Drafting that helps to translate that policy into

statutory language— especially the assigned legislative counsel in this case, Ms. Maureen Benjamin, for her efforts with respect to the design and preparation of the Bill. I would also like to convey heartfelt thanks to the industry, who by and large saw the vision and overall aims of the Bill.

Mr. Speaker, the Bill was consulted upon widely. In addition to cross-government agency consultation, five rounds of consultation with industry members took place. These included a public consultation as far back as September, 2021, for six weeks; two sets of engagement with industry focus groups in February 2020, two industry consultations commencing in October 2022, and then again, in March 2023.

In addition to consultation, Ministry officials have presented the Bill and held Q&A sessions during (at least) six industry events, including the Cayman Islands Directors Association, the Alternative Investment Management Association, the Cayman Islands Compliance Association, and a host of others. I personally checked with Cayman Finance this week, to ensure that no material objections were raised other than small clarifications received during the 28-day consultation period. I'll put forward a small set of Committee Stage Amendments later today, which will be filed with you and, hopefully, accepted with your leave.

I'd also like to thank the Leader of the Opposition and the Member for Bodden Town West. I shared a copy of the Bill prior to it being published [and] gave them my verbal summary of the Bill, its vision, its aims, and the importance to get ahead of standards and to be behind them; and to scramble before the next assessment, to try to push through legislation in a hurried fashion which puts pressure, as you know, Mr. Speaker, on the government agencies. It puts pressure on the private sector to adjust in the time frame, puts pressure on clients to be able to modify their fares accordingly.

I also thank all of those not just in Cabinet but Caucus, for also understanding that this is a Bill that sets out a new vision for the Cayman Islands; to be a step ahead, to not have to grapple with these issues on the back foot and capitalise on the success that we all share in being removed from the FATF grey list; and I dare say, I would not like to see any other Minister in that position again.

With that, Mr. Speaker, I therefore commend the Beneficial Ownership Transparency Bill, 2023, to this honourable House for its Second Reading.

[Desk thumping]

The Speaker: Thank you, Honourable Deputy Premier and Minister.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The Honourable Leader of the Opposition.

May I just say one thing about process or procedure here which has always irked me since I've been around? The Standing Orders say, that a Member who wishes to speak shall stand in his or her place so they can be recognised, rather than the Speaker having to look around to see which light is on.

Honourable Leader of the Opposition.

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

Thank you, Mr. Speaker.

A delight to welcome you this morning in your new role. I'm grateful for the opportunity to make some brief statements with regard to the Transparency Bill, but I crave your indulgence, sir. I would like to say a few words in recognition of what took place here this morning. If you would allow me, sir.

The Speaker: Just this once.

[Laughter]

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

Just this once.

Mr. Speaker, on behalf of the Opposition and the Progressives family, I congratulate you on being elected as Speaker of this honourable Parliament this morning. I think it's a very significant achievement in your impressive twenty-three years as an elected Member of Parliament, highlighting your dedication to our people, to our Islands and this honourable House.

Your commitment to our country has been unwavering, sir, throughout your time here, especially as a Leader of the Opposition or as our former Premier. I believe that same commitment will be seen in your new role as Speaker.

Over the years, I have noticed a sign that sits on your desk which reads, "*neither seek nor shun the fight*." I'm confident these words will guide you in your new role, symbolising your unwavering dedication to integrity and fairness in leadership from the Chair. Your vast experience, sir, and fair handed approach will steer positive discussions and help encourage unity amongst all Members of this Parliament. Your leadership as Speaker will undoubtedly be vital in shaping beneficial decisions for our country.

Though we on the Opposition benches are saddened that we are losing a giant political figure, your transition from the Opposition to the Speakership will, I know, greatly benefit our country and this Parliament so I will close, Mr. Speaker, by wishing you much success in your role and I congratulate you again this morning, sir.

The Speaker: Thank you very much, Mr. Leader of the Opposition for your kind compliments, even though they are a bit of an exaggeration.

[Laughter]

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, sir. I refrain from responding.

Mr. Speaker, I'm grateful for the opportunity to make these few comments on the Beneficial Ownership Transparency Bill, 2023, that's now before this House.

Mr. Speaker, I recall and I know you will as well, this is something that's been around since 2019 when during our term we made the commitment that we would implement beneficial ownership provisions to allow public access to our companies' information system, but only when it becomes a global standard. I think we have maintained that stature and that position to this day.

Even though we have a Bill before us, this is not coming into effect immediately. It will be some time, I think, before it can be brought into effect because I know from speaking with the Deputy Premier and Minister of Financial Services that there is still much work to be done. What is here in this legislation isn't the same as what was being asked of us, I think, from the outset, with regard to the pressure we were coming under from other sources within the European Union (EU), Organisation for Economic Co-operation and Development (OECD) or the FATF—I can't remember which alphabet group it is. Nonetheless, they were pressing for anyone to have full access to our corporate information, and that's not what this will do.

Mr. Speaker, where we are today with regard to this Bill positions us, I think, quite well in terms of our proprietary work for the next round of mutual evaluations that the Minister referred to, which will commence in 2025. I would hope that as we progress and move forward to that point in time, that we would have similar occasions like that to deal with issues that we know are going to be extremely important that we need to comply with before we actually get to it.

We've been digging ourselves out of the back foot for many years, we've been behind the curve. Where we are today is at the top. I think this puts us ahead of the curve, and I would hope that we can always remain that way. We are a huge jurisdiction in the financial services world; we are well respected—and we are leaders.

Let's resolve in Government, and in this Parliament, that we always remain that way, and try our best to ensure we don't find ourselves on the back foot again with this. On behalf of the Official Opposition, I say we wholeheartedly support the legislation that's before us today, and we will all vote in its favour.

I'm going to leave it there, Mr. Speaker, and thank you for the opportunity to say these few words with regard to this Bill.

The Speaker: Thank you, Mr. Leader. The Minister for Tourism and Ports.

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

I will ask your indulgence to allow me to say a few words of congratulations before I give my contribution with respect to the Bill before us, if you'll give way.

The Speaker: Thank you very much. Let's limit them to a few.

[Laughter]

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

I want to first say congratulations to you, Hon. Sir Alden McLaughlin in your new role. I recall when the notion of you being selected as the Speaker was being discussed amongst myself and Government Members.

Naturally, my political instinct chipped in and I thought about what it could mean in the bigger picture of things, but the core part of being a Caymanian came to the forefront, which was the role of the Speaker and the balance of democracy in this House, and I can't say that I could find any better person for the role; not because there aren't capable people in this honourable House. As a matter of fact, Mr. Speaker, we just had an amazing, new, young individual who was making strides in this honourable House, but I believe, Mr. Speaker, that your tenure in this House, your constitutional guidance to our country over the last two decades, could only bring but positives to this honourable House of democracy for the good people of the Cayman Islands, so I would like to congratulate you in that role.

Mr. Speaker, I also want to take this opportunity to congratulate the Honourable Premier publicly and the Honourable Deputy Premier, and all my colleagues in the United People's Movement. We have some new Ministers in new spots, some Ministers back in Cabinet and some Members who have made some significant sacrifice to ensure stability in the Cayman Islands Parliament. One that I think should be recognised, appreciated and congratulated.

Mr. Speaker, I want to say that I listened keenly to your earlier remarks with respect to where we should be going over the next year and four months, and I couldn't agree with you more. I want to assure the public that this newly-formed, rebranded group, is committed to working together to ensure stability in our democracy. Regardless of the differences of policies on the Government side and the Opposition, we have committed to ourselves that we will present ourselves in the appropriate way to ensure stability.

Mr. Speaker, in closing this congratulatory and recognition section of my contribution, I want to take this opportunity to thank the former Premier Wayne Panton for his two and a half years of leadership. He's a good man, and I appreciate having worked with him over the last two and a half years.

Mr. Speaker, with respect to the Beneficial Ownership Transparency Bill, 2023, before us, I want to say that the Honourable Minister responsible for Financial Services has worked very, very hard with the team in his Ministry and the Attorney General's Office to get us to this point; one, Mr. Speaker, which many people thought we were unable to reach. I take this opportunity to highlight that such hard work and skill is exactly why he was chosen amongst the United People's Movement to be our Deputy for the next sixteen months.

Mr. Speaker, I hope you and the Opposition will join me in congratulating the Honourable Deputy Premier in his new position as he guides us, along with the Honourable Premier, for the rest of this term.

[Desk thumping]

Hon. Kenneth V. Bryan: Mr. Speaker, though I, like many Caymanians, may have been nervous about the Beneficial Ownership Transparency Bill, I can say on behalf of the good people of George Town Central, that I am comforted by the guidance that has been given to us in Caucus and in Cabinet by the Honourable Deputy Premier.

Regarding the fears and worries of potential loss to our financial services industry by the transition into transparency of our financial services industry, I'm comforted to know that by the strategic step of delaying the implementation, being first to the table with respect to the changing times in financial services, we shall still continue to be one of the world leaders with respect to the financial services.

On behalf of the good people of George Town Central and the Government of the day, I have given my full support to the Honourable Deputy Premier on the Bill. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?
[Pause] The Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin, ex officio Member responsible for the Portfolio of Legal Affairs: Thank you, Mr. Speaker. Good morning.

Mr. Speaker, I would like to join those who have spoken in offering my congratulations to you in ticking one more box.

[Inaudible interjection]

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

Of course, it is no surprise to us, given your passion for service and country above self. Having listened to your observations this morning, I am more assured than ever, if I needed to be, that the Speakership is in good hands, so congratulations.

Also, congratulations of course, to the Honourable Premier, Honourable Deputy Premier and our new Minister, the former Speaker, as well as all those who have worked so hard over the last couple of days to allow the business of governance to continue.

Mr. Speaker, just allow me a little tangential. You observed earlier that democracy is a messy business, and those who have been following events in more recent times would understand and appreciate that. Sometimes these things happen and the country tends to get a little bit nervous and people get a little anxious, but Mr. Speaker, if you follow world events as you do and most people around here do, this is really democracy at work. While they are understandably concerned sometimes, the fact is that, like with anything else, there's always a way.

Mr. Speaker, I rise to provide my support to the Beneficial Ownership Transparency Bill, 2023, so ably moved by the Honourable Deputy Premier and Minister of Financial Services.

Mr. Speaker, as you heard the Honourable Deputy Premier mention, this is not a mere consolidation exercise. It is also meant to enhance the Cayman Islands beneficial ownership framework, and in the context of the Cayman Islands, this is understandable because corporate transparency is of paramount importance to us as a jurisdiction given the nature of the business that we do here.

Mr. Speaker, as the FATF reminds us, corporate vehicles such as companies, trusts, foundations, partnerships, et cetera, conduct a wide variety of commercial and entrepreneurial activity. Again, as has been recognised by the FATF, despite the essential and legitimate role that these corporate vehicles play in the global economy, their unique legal status also lends them to be used in complex schemes that are designed to conceal the true beneficial owners, and in many respects, the real reason for conducting transactions using these entities. These vehicles can be used for various illicit purposes.

Mr. Speaker, for undesirable persons to engage in circumvention of money laundering rules, the corporate entities provide an attractive way to disguise their identity, and as I said, to conceal the origin and often the destination of the proceeds. Hence the need to have appropriate mechanisms in place that can identify beneficial owners and be able to verify the information provided, and to be able to also monitor activities that are being undertaken using these corporate vehicles.

It's also important in order to enable the jurisdiction to be able to cooperate with law enforcement agencies and competent authorities where it is established that these entities are being used for illicit activity. You heard the Honourable Member mention, Mr. Speaker, and you know very well, about the Exchange of Notes that was entered into in order to facilitate the provision of information where it can be demonstrated that illicit activities are being conducted by corporate

entities. Of course, in all of this, Mr. Speaker, it is important to consider the constitutional rights to privacy including client confidentiality, so it is not just a *carte blanche* sort of cooperation framework. It has to be within the acceptable safeguards of legitimate constitutional rights and client confidentiality.

Mr. Speaker, the Honourable Deputy Premier mentioned the judgment from the European Court of Justice and the concerns raised there and, where possible, the need to cast our framework with an eye on what was observed in that judgment, because it is recognised that the European Convention on Human Rights is part of our legal framework. We have a Bill of Rights that is largely fashioned on the European Convention on Human Rights, and we would be careless—reckless, Mr. Speaker—if we were to craft legislation in a way that does not take into account the protections guaranteed by our Constitution and, of course, supplemented by the European Convention on Human Rights.

This is a work in progress; the Cayman Islands, as you heard the Minister say, has been consulting far and wide, and sensibly so, taking expert legal advice on these matters just to ensure that whatever construct we end up with is one that is fit for purpose, is one that is recognised by all as being able to withstand legal scrutiny, Mr. Speaker, otherwise this would be an exercise in futility. We need to continue to work to address the concerns highlighted by the Court of Justice in its judgment, whilst at the same time, Mr. Speaker, holding fast to giving effect to the 2019 commitment that was provided.

Mr. Speaker, this is a very important initiative for the Cayman Islands, especially given our preparation for the fifth round of mutual evaluation which is due to start in 2026—of course, we can't wait until 2026; as I speak, Mr. Speaker, we have started the preparation in earnest because there is much ground to be covered. Issues such as beneficial ownership will come under increased scrutiny, so, too, matters such as virtual assets and so on. We have to be extremely proactive in ensuring that the preparation is in full gear by the time we get around to 2026 when we get our technical compliance questionnaire.

The Cayman Islands as a jurisdiction has always shown leadership in these areas, Mr. Speaker. As I mentioned before, sometimes we feel that we are review-fatigued, if I might say that again. Another way to look at it is that it is an ongoing review and ultimate validation of the legitimacy of our framework, Mr. Speaker. Each time we come up against these headwinds, these challenges, these reviews, we emerge with flying colours and ultimate confirmation by the international standard setters—be it the FATF, the European Commission, OECD, we always come away with the requisite confirmation that whatever we are involved with as a jurisdiction, in terms of cross border businesses and others, are matters that can withstand scrutiny, they are legitimate books of business. It then leads to confidence in those who seek to do business through and

from this jurisdiction. It really inure to our benefit and assist in our reputation as an international financial services centre.

Mr. Speaker, I want to end by publicly thanking, again, all of those who have been involved over the many years, from the private and public sector, in guiding this jurisdiction through these initiatives. We have been incredibly fortunate to have excellent individuals both in the public and the private sector who have demonstrated the necessary will and commitment—the passion—to assist in ensuring that our jurisdiction remains a credible one in the eyes of those who seek to do business here, and for the international standard setting bodies. I want to thank them.

Unfortunately, Mr. Speaker, I cannot say that we are at the end of the road because there is still more work to be done and many more miles to be covered, but I am confident that we have the necessary commitment and the necessary will to continue to do what is necessary and to prepare for any future auditing that will take place.

I, therefore, join the Honourable Deputy Premier in commending the Beneficial Ownership Transparency Bill, 2023 to all Honourable Members of this Parliament, Mr. Speaker.

Thank you.

The Speaker: Thank you, Honourable Attorney General.

Does any other Member wish to speak? The Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Thank you very much, Mr. Speaker. I guess I have to go back to the 'Mr. Speaker' line, having used 'Madam Speaker' for so long.

Mr. Speaker, before I add my two cents, I too want to congratulate you on your new role. Last week, part of the feedback I got during my contribution to the debate was that I kind of thanked you too much, so I think for the record, my views or my position of what I think of you has already been documented enough. I just want to say congratulations to you.

I also want to congratulate the new UPM, led by the Hon. Juliana O'Connor-Connolly. I can honestly say that I can sleep a little better at night. I think her heart is in the right place and she has assembled a great team. I am optimistic for the future of this country and it's something I actually feel good about, so I want to honestly congratulate the new Premier and also the new Deputy Premier.

He reached out to me, Mr. Speaker, concerning these discussions with the Bill, and for the record, I think it's important for the public to understand that we're getting to the heart of the financial services industry. This is the bread and butter of the Cayman Islands. It is not something to play politics with. We know that people internationally are looking at what we say and do in this Parliament; we need to ensure that when we

do send a message it is clear, and everyone understands the Cayman Islands commitment to being a responsible player in the global financial industry. With that said Mr. Speaker, I, too, congratulate the Minister for the hard work he has done in terms of getting us off the grey list, et cetera.

We do recognise the challenges that we have within the financial services industry; like many other people, I guess they are concerned about balancing privacy with it. The only concern that I have primarily, is actually in the last page of the Bill where it speaks about countries or territories that have entered into agreements with the Government for the sharing of beneficial ownership information—the only country listed there is the United Kingdom.

Why that jumped out to me is that when we look at the Tax Information Authority Act, that Act is over 300 pages and the bulk of it is actually made up of agreements that we have with over thirty other listed countries, so I was a bit curious and hopefully the Minister can touch on this when he wraps up. We look at the Tax Information Authority Act and see that we have several countries signed, but on this one it is only one country. I want to know if it's a situation where it is only the UK that will require this information or this is something that we expect to add to other countries.

The reason I bring it up, is that you look at something as simple as a common reporting standard that has become, to some extent, a global standard, but the one country where it is not valid or enacted is the United States; so, it's a classic case of you have the privacy there for their citizens but everyone else has to have something else. As the Honourable Attorney General mentioned in his contribution, I want to ensure that we balance the privacy of people and the entities here in the Cayman Islands with regards to what else is out there; because, while we are focused on many people evading taxes, we also cannot forget that there are situations of identity theft, where people are stealing other people's information. We need to make sure that at the minimum, our citizens and our corporate entities are protected.

With that, I congratulate the Minister for the hard work he has done. The team he has working for him is a good team, led by a good Chief Officer. I have seen their work first-hand, so it's not hearsay. I congratulate the Minister for getting this far but, like I said, we need to ensure that while we are leading, we are also balancing our people's privacy.

Thank you, Mr. Speaker.

[Desk Thumping]

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

The Member for West Bay West.

Hon. W. McKeeva Bush: Thank you very much, Mr. Speaker and while I take a few minutes to congratulate

you I will ask for the old podium, because I can't promise that I am going to be as short as others and I like the old podium because as somebody said *a good workin' ol' ting is...* Not that one, the other one over there, sorry.

Mr. Speaker, I won't take much time to say congratulations because I listened intently to your delivery and I do not need to say anymore. I concur wholeheartedly with the way you spoke this morning. When I called you to tell you that I would vote for you, I meant it, so I am glad that you are where you are. We hope—me and you, and the others who have similar terms—we hope for the best. My Christmas theme for my seniors' party this year is 'Giving Thanks, Having Hope'.

A few days ago, I celebrated thirty-nine years of being elected, and as I walked through the door this morning, talking to some of you, colleagues, we had to say, "when you come here you think you can get the world done; and you promise the world to get things done... and then you find out that the world is about to stop you from getting what they asked you to do." Thus, Mr. Speaker, we will never do everything that we hoped, prayed, sweated and were threatened to get done. Ever, I don't think.

We will leave here and look back and say, well, we didn't get that or that done; but, a true son of the soil, we can say we tried and we did. Sometimes our best and sometimes not our best, because sometimes you get discouraged and say, "*But why in the world they can't see it this way?*" and you know it is right—you know it's right, but you have those who are adamant to put it back, to put *you* back. That's where am at right now with this Bill.

I have been against the thought processes of beneficial ownership from the day it came here. Hence, I rise today with hope for the future because, having considered the legislation, I realised that the fears that I harboured these many years, for the long-term success of the Cayman Islands—supported as it is, to the greatest extent, by our financial services industry—were well placed from the outset in 2010-2011.

When I was at the JMC (Joint Ministerial Council) as the Premier and Minister of Finance, I was called to the Treasury and asked if I would introduce such a Bill, and I said, "*What Bill?*" They began to explain it and I said, "*Do you have it?*" They said no, I said, "*Well, you go get it. You get it, you put it in place. Tell me how it works against London, and then we will look at how Cayman can do its best to look good.*"

Now, I know that my colleagues are not going to like some of what I am saying, but I have to say it because these are facts. Before I move further, I want to thank all—in particular though, the Minister—who have done great work to make the whole thing palatable somehow. Not that he satisfied me with the path or the Bill because, as I said, I am against beneficial ownership and I am going to take the time to explain why.

I also want to thank the Attorney General because he, too, has worked hard over the years with the

FATF (Financial Action Task Force) and CFATF (Caribbean Financial Task Force) or CTFA, something like that. They've got so many abbreviations now that you lose track. I want to thank them, and I do not want them to think...

I said it to my Minister, *"Look, I don't think it's as clear-cut as they say"*, because— who can you trust?!" They have moved the goal post more than the little one we had on the road because we never had a field. We would set up two cream pans; when we thought the other side was going to win, we moved it back, and when they were far enough away we would move it forward. That's from when we were growing up. You cannot trust these people.

My suspicions from early in my administration then, about the European Union's bad faith and certain bad actors in the United Kingdom are now proved correct beyond doubt, and looking at the Bill, I think I was right after all— right, that the powers of the European Union would become jealous of our phenomenal financial success; and right, that we could not trust some of the London bureaucrats. Nor, may I add, is it surprising, even after Brexit. I am glad that the Minister has not followed them with all they wanted, because it is clear that the British Government, who have pushed for this Bill, remains very much under the control of some civil servants in London who have the European Union's interests closer to their hearts, it seems, than the success of their own United Kingdom and us, as its Overseas Territories.

Mr. Speaker, not many in this new Cayman came from where you, and those older than me and you, came from. Not many, in this new Cayman that we have, were here for the foundation of our financial services industry; and maybe a few, no insult to Members, but few Members here today, totally understand the foundations that underlay. These foundations are still being viciously and inappropriately attacked, as far as I am concerned, by a now not-so-slow drip of hostility. Smiling in your face and negativity behind your back. As I said, I do give thanks to my two colleagues, for their untiring work to get us (for now) off the grey list; and along with that, not just my Minister but the AG, again, for his work to help safeguard the Minister, and ensure that all things are properly done in law. Yes.

We still find ourselves vulnerable to two threats. Not only the threat of what I think is an unnecessary, bureaucratic regime, as they would want, with regard to public access to beneficial ownership, but the threat from within our Islands albeit promoted by the same European sources. These sources encourage our very own, in the name of accommodation of reputation and compliance, to throttle the very life out of our financial services industry by layer upon layer of ill. This kind of regulation and enforcement, which is not only hitting businesses— look at what it does to us, as locals; and yet, we have not been able to say to them, *"You know, you really have to change some of this. Look at what you're doing to our people."* You can't get

an account unless you tell them when you go to the bathroom and when you are going to come out, and then you have to put it on paper too, what you did in the bathroom.

There are stats to prove it, and it will not surprise anyone in this House to hear me say so. These are some of the very same points I made many years ago, which I took a beating for. I had to travel from one country to the next to get twenty-six agreements to get us off the black list or whatever list we were on at that time. I see somebody still quoting how much I spent in travel. They're still doing that to try to make me look bad, but guess what? In my own defence, when I was Minister, I had everything that the present Minister has, plus finance, plus Premier, plus tourism, plus, because we only had five Members— I had all of that. I had to travel.

I am glad that those who beat up on me also realised, once they took power that, as I said, Cayman has to defend itself. Cayman has to be at the table— and it costs, and as we build and become more of a developing small state as we are, it is going to cost; so let them continue to talk their rot about who is spending what money. I made some of these points many years ago, and I think it resulted in my removal from office; the fall of my administration, and the constant attack on me, because I do not allow them to grin in my face and override my beliefs, and the evidence to go with it hasn't failed.

I have taken those positions because they are right, and I am a true son of the soil who never went to college, but I could *'read good'* and understand. God gave me that and I still have— up until last week Tuesday, right there— that innate ability to see wrong and to understand wrong and say, *"It stops here."* He gave me that. I hope nobody takes what I say wrong. I have taken these positions because they are right and correct, and they are the opposite of what is or was being proposed. I have taken these positions because my role as a true-born son of this soil and as a legislator is to protect the Cayman Islands people, and to do that to protect the Cayman Islands financial services industry for the benefit of our sons and daughters and future generations.

There are those in London and Brussels who would have us as no more than seafarers! Obedient and without the benefits of the success of our financial services industry. They told us that! *"You stick to tourism and leave finance to London"* and I said, *"You are not talking to this McKeever Bush"*, because they had already told Roy Bodden and Gilbert McLean the same thing.

I said, *"You are not talking to this McKeever Bush; we are in a better position than you all! You all sold yourselves out and we are not going to do it, but we are going to do the right thing so that we can benefit our people"*— and I refused them. I took them to the international court in Europe, because of their position, and we won and got benefits from it. That is how our

stock exchange got noticed. We knew we had to give up something, but we got something for it.

They do not understand that we are fighters. That we have the wherewithal in our country to keep the industry the way it should be, to keep people trusting us and international capital flow coming here, and we will continue to do it.

Our budget this year, supported in large part directly and indirectly by our financial services industry produces over \$1 billion per year of revenue for 35,000 Caymanian people and of course for those who live here otherwise. As a result, our Caymanian people, as much as we are having it hard now, still has one of the highest standards of living in the world, and we achieve it with the help of the financial services industry, despite interference from the OECD (Organisation for Economic Cooperation and Development) and Brussels.

Look at the United Kingdom. The United Kingdom is a debtor nation and so is every Member of the European Union. By comparison, the financial position of the Cayman Islands has been stable and secure. Not without its twists and turns, but stable—stable. What I think we are seeking to do with this legislation is that we do not want that position to fall, and my worry is the changing of the goal posts.

We do not have a central bank in the Cayman Islands like the Bank of England or the European Central Bank to bail us out by the printing of money which does not exist, nor can we enable quantitative easing by whatever means. I say, there will be no international consortium racing to lend us money if our revenues from the financial services industry are lessened by the unnecessary bureaucracy, to which I also refer because I am not easily convinced.

Look at our brethren in Bermuda, with a national debt of over \$2.5 billion and an annual deficit of \$250 million. Every year, spiralling downwards to the point where they believe that the introduction of taxation on an entirely-mobile financial services industry will somehow serve as a golden parachute. The introduction of taxation to mobile and intangible financial services has been shown to be devastating; 1962 should serve as an example to us, when the introduction of an excise tax in New York caused an overnight migration of the euro bond market from New York to London with devastating results to the New York financial services.

I am glad that, being a wise man, the Minister and his advice was not so convinced and rejected the idea of some global taxation—I see I am being taped. I hope I'm being taped for the right reasons and they play it in Sunday school and not on a political platform, but I don't mind. I'm talking the truth, so tape me!

I understand as well as any Member here, the deep-seated rivalries that seem to divide this House on some of these issues, but I want to have my say on this before I sit down because I want this House to finish quickly, today being Thanksgiving, and I'm hoping, Mr. Speaker, that it is still relevant to the Bill. We have our divisions, but I have my knowledge too, and not

because I do not have a certificate, except honorary ones that I don't understand.

It is a pity that the former Premier is not here, the former Minister who in 2013 or whenever it was brought in the beneficial ownership and told me that I was *fool-fool*. That is what he said, that I was *fool-fool*. It is a pity I cannot look at him in his face right now and tell him I am not *fool-fool*. "*I'm not as fool-fool as these ol' clothes make me look*", as Aunt Julie used to say.

[Laughter]

Hon. W. McKeever Bush: He understands that now, though.

I understand as well as any Member here, how these rivalries divide us, and we should rise above the petty politics. It is an issue of vital importance to the people of the Cayman Islands and our sons and daughters and their sons and daughters.

It is an issue that transcends the political divide and I say, listen very carefully to this analysis that some may frown on. Once you hear it, each of you put your hands on your hearts and answer the question: "*Can any Caymanian in their right mind, and being of good faith and good conscience with the interests of the Cayman Islands and its people at heart, say that I am wrong?*" And you say, "*Well, we are off the grey list*". Yes, well, if you think I am wrong, at the very least, there will be an indisputable record available for future generations, and what I said in 2011 in London, will either be thought foolish by the foolish or be a true and telling factor as to what has happened since I said 'No' back then, and when the former Member for Newlands, put it in place.

I am not prevailing on this honourable House to vote against this legislation. That is not what I am saying. I promised the Minister that I would give him a fair hearing. He knew it from the very first day they came to Caucus when I was there, that I was not supportive of the idea of beneficial ownership, and I want to say that as clearly as I can, so let's set this context.

We know this legislation was generated in the United Kingdom in the name of anti-money laundering and now our client compliance, which I will refer to as AML and KYC. The legislation has been driven since 1989 by a European Union body—the Financial Action Task Force (FATF), itself a Paris-based subsidiary of the Organisation for Economic Cooperation and Development (OECD), which I need hardly add, is anything but; and which has blacklisted us for no good reason in the past except for their jealousy.

The concern I expressed in the first OECD visit here in the nineties—Mr. Speaker, you might remember some of this—was with regards to the proceeds of financial crimes, extended subsequently to terrorist financing. Since 1989, the financial services industry, ours to the greatest extent, has been suffocated by layer after layer of costly and, I think, sometimes wholly unneeded, legislation.

There are numerous studies available to all of us, which are focused on the lack of any effectiveness of AML and KYC regulation. It is currently estimated that these two policies, AML and KYC, enable law enforcement authorities globally to recover exactly 0.05 per cent of the over two trillion dollars of criminal funds which they say is in circulation annually. To save you the calculation, it means that 99.95 per cent of global crime and terrorist financing proceeds are not prevented or confiscated by the AML and KYC legislation.

A major European study entitled *'From Illegal Markets to Legitimate Businesses: The Portfolio of Organized Crime in Europe'* estimates that criminal revenues from drug sales in Europe alone generates at least US\$ 110 billion annually. *Europol* reports, that with the benefit of all the AML and KYC legislation, European authorities confiscate only €2 billion of illicit funds every year. That is to say that by these statistics too, the success rate of anti-money laundering efforts is only something like 1.1 per cent— a more optimistic figure than 0.05 per cent but, as far as I am concerned, completely and utterly ineffective.

If you were to include other illegal activities such as kidnapping, human trafficking, extortion, illegal gambling and fraud, the rate of illegal money actually confiscated by all these rules and regulations and people they put in place and pressure us with, drops well below one per cent. Actually, the real figures, which we never see publicised, are much worse than that, because research in New Zealand shows that conventional policing, without the benefit of AML and KYC legislation, is responsible for 80 per cent of confiscations of illicit monies, and that only 20 per cent of confiscations come from the application of the AML and KYC procedures that are killing us here. If this ratio were applicable to the rest of the world's procedures, well, let's divide the numbers, I say by five, which gives a success rate of 0.01 per cent of seized criminal financial assets, on a best-case basis of 0.22 per cent.

What I think is ridiculous about these numbers is not just that they are ridiculous, but that they are never quoted. You never hear it. What you hear is that we got to put this in place; and we got to keep people down there busy; and we got to send down thirty more people to put in some office down here, so our little money, which should go to social services and everything else, goes to paying staff because of all these things that never happen. It is neither effective nor, as I'm saying, is the cost/benefit analysis ever quoted.

The field of anti-money laundering is characterised by persistent failure of what works, and why? Because none of it works. That's the problem. The perceived inability, Mr. Speaker, of banks and regulators to implement the layer-upon-layer of ridiculous, I think, AML and KYC regulation correctly, or fully, is blamed for these ridiculously low forfeiture numbers despite evidence to the contrary, which identifies corrupt bankers in the pay of organised crime all over the world as the primary cause.

Thus, the emphasis has now shifted, with the assistance of the accounting profession in conjunction with our regulators, to the goal of being able to show complete adherence to the full range of AML and KYC regulation and compliance to avoid substantial fines and reputational damage, without ever inquiring whether any of it is of any real and meaningful effort and effect— but we see from the statistics that it clearly isn't.

As far as I am concerned, as far as I am told, as far as what I am reading, the FATF have created an irrelevant and expensive industry that is of no use whatsoever, as far as I'm concerned, but the question today is: do we let it harm us further than it has already? Yes, there is a good reason why no cost benefit analysis of this ridiculous state of affairs is ever undertaken.

In 2009, Mr. Speaker, the estimated cost of compliance with AML and KYC regulation in just four European countries (France, Germany, Italy and the Netherlands) amounted to US\$81.4 billion, but those four countries account for only 54.2 per cent of the European Union's GDP. That simple extrapolation suggests that the compliance cost in the European Union alone, amounted to US\$156 billion— and let me remind us again: *Europol* estimates that European authorities only confiscate €1.2 billion of illicit funds each year. Therefore, we can conclude that the direct cost of implementing these policies in Europe is more than a hundred times higher than their benefits. They have their own agenda.

The same study of AML and KYC looked at other countries around the world amounting to \$304 billion, while the authorities managed to seize around 3 billion a year in criminal funds worldwide, and you are going to tell me it is effective, and Cayman got to do it and Cayman got to get beat up and if Cayman doesn't do it, then we are doing the wrong thing and if McKeeva stands here debating, he's doing the wrong thing. Oh, yeah?

Then we have the cost of the eighty or so international bodies; thousands of government agencies and regulators, all chasing their tails in this matter. The cost to banks, of this system, is truly astronomical— one bank alone reckons \$100 million a year in compliance costs. Then there is a very real concern, through the mechanism of de-risking and the withdrawal of banking services, because that's what we are all worried about. That, again, threatens our financial services industry and continues to cost us— but yes, government is right: to ignore these rules is impossible. The penalties for noncompliance with AML and KYC regulation amounted to \$4 billion in 2018, \$8.1 billion in 2019, and \$10.4 billion in 2020 but, again, let me remind honourable Members, the authorities recover only \$3 billion a year worldwide from the criminals.

Secondly, when the FATF came to the Cayman Islands in the '90s and suggested the introduction of— I called it the Trojan Horse then, and other people picked up on it and said, *"You were so correct"*. They

said that criminal funds in circulation exceeded two trillion per year, and we are told today that criminal funds in circulation still exceed two trillion per year, so let me ask this: if AML and KYC regulations are so effective, has crime really fallen since they were introduced? You might say, *“Well, old boy, it could be worse if it wasn’t introduced.”* Maybe, I don’t know. I’m sure that the promoters would say that.

The United Nations have some interesting statistics, on the point, Mr. Speaker. In 2001, 185 million people aged 16 to 54— that is to say, 4.7 per cent of the population concerned, had used drugs. In 2020, that number had increased to 284 million or 5.6 per cent of the population concerned, and in 2030, the report suggests, an increase of 11 per cent is projected, which would mean that more than 319 million people will have used drugs in the prior twelve months so the stats in the study show that the number of deaths linked to illegal drug use has similarly increased.

Anyone with two grains of common sense to rub together can see that drug dealers continue to sell drugs because they always manage to launder and use the money they earn illegally. The current AML and KYC legislation, is not effective in stopping that kind of drug crime. What it is doing, is stopping us. That’s what it is doing, giving us headaches; and there is no appetite to slacken it, so that local people don’t have to worry to get an account. You have to do what is necessary, of course, but look at all we have to do. Yet you go to Miami, and you walk into the bank and start an account immediately.

Thirdly, I think there is a further dark side to the AML and KYC regulations. Article 11 of the United Nations Declaration of Human Rights states— and I’m going to return to this point later in the context of our own Constitution— that everyone charged with a penal offence has a right to be presumed innocent until proven guilty according to law, in a public trial at which he has had all guarantees necessary for his defence. I do not need to remind anyone that this is a vitally important feature of our Cayman Islands, and all civilised society, in that it places the burden of proof on the prosecution. It prevents the abuse of power by the authorities; it provides confidence in the judicial system by requiring solid evidence to convict; and it minimises miscarriages of justice. Yes.

Many of you would see the point. The problem is that the AML and KYC procedures do exactly the opposite of these fundamental constitutional points, Mr. Speaker; points which you helped put into our Constitution. Those regimes consider you guilty until proven innocent. If the banks, or a lawyer, finds one of your transactions suspicious, it is up to you to prove that it is legitimate. You are obliged to give all your documents, including your most personal ones, to the banks that request them, to prove you are not a criminal, instead of the banks’ authorities having to prove that you are a criminal.

Things have become so mad, and detached from reality, that the authorities may freeze your assets as a precaution, without you ever needing to have been found guilty of anything. Additionally, AML and KYC procedures can lead to profiling and discrimination where individuals or groups are considered to be of a greater risk of illegal activity because of their nationality, ethnic origin, or social economic status— and in Cayman, it’s *what side of the street you come from, Bobo. Who are you family to, Bobo. Whose friend you are, Bobo.*

AML and KYC have led to an explosion in data storing and identifying which can be a target for hackers or worse, if what is being asked of us is to make the records of our financial services industry available to the public, and that’s where I stood against it. Big companies like JP Morgan and others, have had the financial information of hundreds and millions of clients hacked, so as far as I am concerned, by wanting to reduce the number of crimes, we are opening a Pandora’s Box which allows many more crimes to be permitted.

We expect no understanding of these fundamental points from some of those in the United Kingdom. We know who they are. They stand there day after day and talk about us. They don’t know us, but they talk about us, talk about our regime here. They get up in the Commons, or in the Lords, and carry on about us. You know them, Mr. AG, you know them. It is said, **“It is difficult to get a man to understand something when his salary depends on his not understanding it.”**

I have gone into this because I have had years to undergo some of the berating, as I was called “fool-fool” by the Member absent who introduced it in law here— but I studied it and listened. I don’t agree with everything that I’ve heard. I’m giving people the benefit of the doubt knowing that they worked hard; but these legislative and regulatory processes that are affecting us, and causing our institution millions of dollars, need to be looked at. That’s what we need to do.

I don’t think this legislation is doing that, but we need to do it because this little island is overridden with bureaucracy, more and more and more and more. Pour it on them. That’s what they are doing to us. While we said we don’t want to do this or that because it might look like playing politics, it was the same thoughts that led us down these different paths to accept wholeheartedly. I was here; I was here when some of this was going on, and I had to listen but these were the power players. They did what they wanted.

I’m wondering, though, Mr. Speaker. I heard and I know some of the various discussions the Minister said he has held, but then the adverse is true. People come to us as legislators and say, *“Boy, we respect this and we respect that, but we don’t believe everything we are hearing, so is there anything you all can do?”* So what game are they playing, except to protect

their interests? Their interests, I would think, are the Cayman Islands' financial services best interests.

Then, does anyone in this honourable House really suppose that our client base will put up with public disclosure of their most intimate financial arrangements, when we are the only jurisdiction in the world—and certainly, the only jurisdiction with a financial services industry managing somewhere between \$6 to \$8 trillion a year, on which it is being forced? I think our industry *dwarfs* the alternative investment funds industry in the combined jurisdictions of Dublin and Luxembourg, but no similar legislation is being forced on them—or is it?

Is it? No, I don't think so. I haven't read so, but sophisticated private equity vehicles and funds and high net-worth clients require a jurisdiction that values, above all, the legitimate right to privacy and protects their information and structuring from competitors, the public at large, journalists (we do not have many of them here) but—protect us from them too, and other Peeping Toms.

Now, let me say this: The fourth, and I think the most central point of what I'm trying to say, Mr. Speaker, is that from what I read, the proposed legislation now before us, I think contradicts—I hope not, maybe they can clear this up—the agreement between the Cayman Islands and the Cayman Islands Government (CIG) in terms of the undertaking signed by CIG. That undertaking provided that the Cayman Islands would only consider introducing public access to its beneficial ownership records when:

1. Such public access became the global standard—(it is not); and
2. Such public access was effective in every European Union jurisdiction.

I hope that is so now. I hope that's what we are doing. That should be the end of the discussion, as far as I am concerned, for two reasons:

The first is that the European Court of Justice or the ECJ has just recently, by decisive ruling, struck down access across the whole of the European Union Member countries to public access to a Beneficial Ownership Register as constituting **“Serious interference of the fundamental rights of respect for private life and the protection of personal data.”** Yeah.

That is why I can laugh at the one who is not here today, because I knew. I felt that it was not going to happen. That once those people up there got hold of what was about to happen to them, they were going to put their foot down, and that is what they have done. It took a long time, but I'm proven right. I'm not as fool-fool as what they want to make people believe.

Those protections come from Articles 7 and 8 of the European Charter of Fundamental Rights, which are now upheld by the European Court of Justice; but this decision, Mr. Speaker, is critical in the analysis for us in the Cayman Islands because those rights mirror not only current United Kingdom law in Article 8 of the

Human Rights Act, 1998; but more importantly, the precise words of the Cayman Islands Constitution, which you helped put there. Section 9(3) of our Bill of Rights.

Of itself, this fourth point is fatal—fatal—to the introduction of any legislation in the Cayman Islands which seeks to grant public access to a Beneficial Ownership Register because in the Cayman Islands, it would be unconstitutional to do so, and in Europe the European Court of Justice, as I said, made that very point. In addition to the rules in the United States creating central beneficial ownership register, pursuant to the Corporate Transparency Act, 2021 under the auspices of the Financial Crimes Enforcement Network (FINCEN) with effect 1st of January 2024, dictate that FINCEN is *not* permitted to open a Beneficial Ownership Register to public access. Aha, that is the United States.

Thus, public access to a Beneficial Ownership Register is not the standard in the United Kingdom as they were saying—well, you told me they didn't have it back then. It is not the standard in Europe, it is not the standard in the United States, and it is most certainly not the standard in China or Southeast Asia and I should perhaps add, for the record, that those panicked UK politicians should be in the United Kingdom too, by the appalling extent of money-laundering proceeds which are invested in the United Kingdom real estate.

The United Kingdom has recently introduced a register of overseas entities, pursuant to the Economic Crime Transparency and Enforcement Act, 2022, in which a 25 percent owner of a foreign company owning UK real estate—and note here the number—must be disclosed, but only in relation to foreign ownership of UK real estate. Aha; but I think this is a quite different situation, as it quite rightly reveals the ownership of monies actually invested in real estate in the United Kingdom, as it should.

Even the latest UK legislation, the Economic Crime and Corporate Transparency Bill, 2023 only now requires identity verification for new and existing registered company directors and persons with significant control. There are four million companies registered in the United Kingdom. It would take many years to obtain the same standard of excellence that we have achieved in the Cayman Islands and that rubs them; and there is no mention of public access in the United Kingdom's Companies House.

My fifth and last point is this, Mr. Speaker: Anyone in the United Kingdom legislative civil service, particularly Dame Margaret Hodge and Mr. Andrew Mitchell, MP, who believes that public access to beneficial ownership registers will improve the current Cayman Islands system, have a hopelessly-flawed understanding of our system.

We can understand how important it must be for them to be advocating a global leading standard; and how important it may make them sound in the United Kingdom, against a domestic manifesto of any meaningful or relevant economic proposal, when

hundreds of billions of dollars-worth of proceeds of crime are being laundered through United Kingdom properties, by way of real estate transactions— yet, they got the nerve to come here and tell us about our democracy and what we must do.

Yes, they still think that we are monkeys swinging on trees and we don't know anything. The suggestion, though, that the United Kingdom's system of public access to beneficial ownership is in any way similar or relevant to the Cayman Islands system is not simply unsound, but very, very— laughable, if it could— unsound.

I need hardly remind Members of this House that the transparency of the Cayman Islands system of beneficial ownership already requires licenced, regulated, and inspected service providers to verify the beneficial ownership of every 10-per cent holder of not simply landholding companies in the Cayman Islands, but every entity registered in the Cayman Islands with indisputable documentary evidence, which is immediately available on inquiry to the proper authorities.

Within an hour, they can get it. That is to say, and forgive me if I labour this point, that the law enforcement, the IRS, the HMRC (His Majesty's Revenue and Customs), and every other tax authority has immediately available, verified, information on the beneficial owners of Cayman Islands' vehicles on request, in comparison with that world-leading system, which we already demonstrated the United Kingdom system is an unlicensed Wild-west show. The United Kingdom's Companies House only has twenty-five employees who have only now been empowered by UK legislation to seek KYC information, so as matters stand, Mr. Speaker, the Cayman Islands system demonstrates a world-leading standard.

I think the Leader of the Opposition admitted as much a while ago. Well, he should know. He might not agree with me all the time, but he knows what I'm saying is true. As the matter stands, the Cayman Islands system demonstrates a leading standard throughout the world— and not only that; and in the face of this incompetence, the UK would want us to go further. Imagine? It is unnecessary to do so, and I think the Minister has said that's not where we're going. We have complete transparency, and yet we have no statistically relevant conviction in relation to tax evasion or money laundering, which is the clearest conceivable evidence of two things:

- Firstly, the system that we have is absolutely effective without reservation; and
- Secondly, we do not need to go further by opening the Beneficial Ownership Registry to the public.

It is not just me who says our system is world-leading, even New York County District Attorney Cyrus Vance who said, some time ago, **“The Cayman Islands are better positioned to fight terrorism than**

the United States, as that country actually collects beneficial ownership information”; so what problem, exactly is the United Kingdom (UK) trying to solve— which one?

There is no statistical and relevant evidence of money laundering being undertaken in the Cayman Islands for years, for years, and when you do this sort of thing, Members, you open us up. Let me give you some facts here: [there are] between 6,000 to 10,000 kidnappings annually in Central and Latin America alone, and this breed of criminality preys on private information of the sort they are now proposing to make available to the world at large pursuant to what they would want.

You should not think for a moment that our clients need to or will put up with it. The damage already undertaken by our client trust industry is considerable, from what I'm hearing, and I don't know whether the government bodies that deal with it are hearing it, because the people who might sit with them then come and tell us. Whether it's a different story, and they are talking out of both corners of their mouth, I don't know; but they are saying that just with the threat of public access introduced as it was some years ago, and widely publicised, the Central and South American clients who formerly used the Cayman Islands, now structure their trust and foundations in South Dakota, Wyoming and other United States jurisdictions where complete confidentiality is assured.

The sort of beneficial ownership register that is being suggested will be trawled over meaninglessly, not simply by hack journalists of the Guardian, but meaningfully by extortionists, kidnappers, identity thieves, home invaders, and worse, if we as legislators, are not prepared to do something about it. Our arguments would mean less. Not for me.

My last thing is this: the UK can come down on us as much as they think. While they have those laws through the Constitution, they can't. It would be renegade, by international practice, if they seek to enforce any such legislation against the will of this House. I think it will not do so from the fiercest of Opposition, and in the highest of courts, none of which will benefit our financial services industry.

Our Cayman Islands Constitution guarantees legitimate privacy, the rule of law, and the presumption of innocence. This AML and KYC law and regulation flies in the face of that, by seeking to reverse the burden of proof. If that's what they are trying to do, I think the proposed legislation breaches the Cayman Islands constitutional right to privacy.

Mr. Speaker, I've gone through quite a bit and maybe bored some Members, but I want it on the record for posterity— and I took more time than I promised the Minister and my Premier, but I told them I could not allow this Bill to come here and not have my say. If all of this has already been taken into consideration, hip-hip hooray.

What I know is not taken into consideration, is how much we have to suffer through AML and KYC,

because of the regimes here, and our frightened-to-death attitude that the banks will pick up and go somewhere else, so we say, *"You've got to do what they say. We can't do nothing with legislation; we can't do this, we can't do that."* Let them create interest rates! Let them take our houses! Let them ride us like donkeys, and we can't do nothing. Oh, yeah? I don't believe that. I don't.

I don't, but mind you, those institutions are having to find millions and millions of dollars, not just the banks, but law firms and other business houses for compliance sake, so let us say this; let us dig deep in our hearts. We got to vote for this, but let's come back with a strategy to clean up some of it—determine that we can do so; because we have a constitutional right and we have legal rights, through the European Union Court. We can still go there. Despite Brexit, we can still apply there.

I do give thanks again, Mr. Speaker, and I thank you for your indulgence for hearing such a long speech in your first few hours of sitting as our new Speaker, but you're up to it. You used to like it, so you got to be up to it now, Mr. Speaker.

[Laughter]

Hon. W. McKeever Bush: I thank the Attorney General and my colleague, the Minister, for their hard work and for trying to find the right balance here, but I am in no way encouraged, seeing what they have done to us over the years and when I say them, I mean them across the pond and how they have shifted the goal posts so often after we work hard to please them, when they operate regimes far worse than ours. Why are we so afraid to say that? Why? Tell them their sins!

I remember when they put it on us, about you can't build this, you can't build that and the next thing. I put a clause in there [whereby], *if the United Kingdom gives us, the Cayman Islands, the wrong information and there's a huge fallout on our revenue, they pay.* Oh, man! It was one of the reasons they sent police to my house—*You're not going to get away with this.* You know what they told me? *"A little rock like you, and a little Minister like you, think you can come here and tell us that?"* It was Simmonds who told me that. Wait, 'til I write my book.

Mr. Speaker, I'm not forgetting, that it was the former Premier, the one we just moved and [was] the Minister then; who is now relegated to the Backbench and wouldn't come today, who made fun of me when I stood up against it in London and when he brought the beneficial ownership to this honourable House promising that he knew what he was doing, and I didn't. However, it is much worse than his promise to you all on the Environmental Council Bill. You see what it has done, on the promise that he made, that it wasn't going to affect? It did, though; one department is suing the other.

As I said, I am not as *fool-fool* as my old clothes make me look.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Member for West Bay West for your very fulsome contribution.

Before I ask whether anyone else wishes to speak, I would like to do something I should have done earlier, which is to recognise former Members of this honourable House who have stayed not only through the election of Speaker process, but to listen to the contributions on this important Bill.

The Honourable former Chief Secretary, Mr. James Ryan; the Honourable Minister for Education at one point and subsequently Financial Services, Ms. Tara Rivers; Ms. Lucille Seymour, who was a member of the 2005 to 2009 government of which I was a part; and Mrs. Daphne Orrett—I think the only one who was here during her time would have been the Member for West Bay West.

Mr. Christopher S. Saunders: Gilbert McLean was also here earlier.

The Speaker: Yes, and former Minister Mr. Gilbert McLean who was here earlier. For those of you who are still here, I would like to invite you on the part of the Parliament to lunch with us when we take the break. It's America's Thanksgiving Day, but no reason for us not to give thanks as well.

Would any other Member wish to speak?

[Pause] Would any other Member wish to speak?

[Pause] Would any other Member wish to speak?

[Pause]

If not, I call on the Honourable Minister and Deputy Premier to exercise his right of reply.

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker, and thank you, Members, for all your contributions thus far.

Mr. Speaker, I made note of the contribution points I think I should address, starting with the Leader of the Opposition. Your point, which I believe requires clarification, is the implementation time period, which I think is important to set out for the listening public and, particularly, the industry. Such was, and came to fruition, to present and debate this Bill for the end of the year, so that the principal legislation is on the statute book.

We know full well, as the Leader of the Opposition has said, that this will not be developed and implemented in haste. There are underlying regulations to ensure, are fully prepared and consulted upon. There will also need to be guidance notes—there are guidance notes now, but they will have to be rewritten to come into compliance and conformance with both the new principal Act (to be passed today), and also with the Regulations.

We, therefore, don't envision rushing this whatsoever, which is the point of starting early before the FATF evaluation in 2025 to provide sufficient lead time of at least a year to get this system streamlined and in

place, and not in a rush; so that, as both I and the Leader of Opposition stated earlier, *we are not on the back foot*, but transition to being on the front foot and not having to rush at the end of 2025, for an assessment in 2026.

Mr. Speaker, the Member for Bodden Town West raised the question of the Schedule at the back and the distinction between it and the Schedule at the end of the Tax Information Authority Act, which sets out numerous countries that are assigned to the common reporting standard. They are two different regimes, Mr. Speaker. The Schedule at the back of this Bill is to reflect the agreement that I referred to in my presentation of the Bill, between the Cayman Islands and the UK Exchange of Notes, in which information would be shared to law enforcement authorities on a private basis—which is what the Member for West Bay West was referring to—in at least a 24-hour turnaround time. That now has a legislative footing in the Schedule of the Bill.

The Tax Information Authority Act sets out the common reporting standard in those partners that share tax information, which is a different regime, so the two should not be conflated.

Now, coming to the Member for West Bay West who, among other things, detracted from the space I wanted to get through the Bills today to get everyone home for Thanksgiving supper—

[Inaudible interjection]

Hon. André M. Ebanks, Deputy Premier: —but as the Member quite rightly said, the Member must have his say, and the Member has a history with these matters that should be respected.

I would have been only a law school student at the time the Member would have been on the international stage, grappling with these issues with the policymakers at the time; and would have been reading about it during my breaks between classes, but I put into three “buckets” what I believe was the thrust of the contribution.

The aims and objectives of standard-setters in one bucket; the effect of international regulations on the local populace—what we term as financial inclusion—to be sure that they're not impacting the average person in society when they are really aimed at international transactions; and the third bucket, whether or not to clarify the aim of the Bill, to not have full public access.

I'll start in reverse order because the first one is the quickest one to dispense. As I said in the presentation of the Bill, the Bill is not calling for general-public-accessible registers for the reasons I said in the presentation of the Bill, because we have advice and analysis that is not constitutionally sound; and we have had extensive dialogue with the UK to make that position perfectly plain, Mr. Speaker.

In terms of the aims and objectives of international standard setters, Mr. Speaker, we'll have to take

the Member's... Of course, what he says was his experience; but I, too, can speak about my experience. What I have found is that there are indeed policymakers from around the world, Mr. Speaker, who seek to implement initiatives because they perceive some of us, international financial centres to be something that we are not. Now, that's not to say that some of the ills they are concerned about may go on in other places. That is quite possibly the case; but what we can confirm is that, to the largest extent possible, that is not who the Cayman Islands are and what we represent.

Our transactions and clients are some of the largest financial institutions in the world. The complexity, the pedigree, of the transactions is astonishing. That's why the Member for West Bay West could quote some of the statistics that he has. However, in my experience as Minister, now having to travel and face policymakers along with the Honourable Attorney General, other colleagues, and technical staff, it is recognised just how large and sophisticated the Cayman Islands International Financial Services business is.

Their point now, sounds slightly different than the history the Member for West Bay West set out. Their point now is, *“since you have this large staple in the international financial system, you now bear responsibility in that system to ensure that your side of the fence is strong and doesn't break down because if it does, there's so much coming through you, it could spell a detrimental effect to others in the global system”*; so, to whom much is given, much is owed by that entity—and in this case, it is the Cayman Islands. We have to ensure that our defences are strong, because we are part of a *global* system.

In terms of the difference in visitors, again, I was not there in terms of the visiting team that the Member for West Bay West spoke of twenty years ago, but I was witness to the visiting team of the FATF that came three months ago and I think, without breaching the confidentiality of FATF proceedings, Mr. Speaker, it was obvious to all of us who greeted them, that they were pleasantly surprised, and amazed, at the sophistication of this little country of ours.

Some of them who had never, ever, been to the Cayman Islands did not expect to see a regulator with such infrastructure and facilities; a regulator with such experts, so many of whom are Caymanians, leaders in their fields. They did not expect to see a set of Cabinet Members who could speak to the issues, did not expect to see a private sector which they had two interviews with to the exclusion of the government, meaning the Attorney General and I weren't in the room. We know—Attorney General, I could probably say this much—that they made sure that the second group got a different set of questions from the first group, and were still surprised at the level of sophistication and knowledge, and the compliance culture; so I think it's fair to say, that when they left here, if they had any Netflix caricature of us, it was dispelled.

That doesn't mean, Mr. Speaker— switching to the third point— that there isn't merit in ensuring that we have an appropriate financial inclusion. That we don't have a duty with regulators and financial institutions to ensure that, where appropriate, there are simplified measures to carry out transactions, in particular for our seniors who are not familiar with the new international compliance landscape and some of whom may not even have the documentation that is required under the rules to operate bank accounts— particularly, when you know the source of income is more than likely the government. Yes, we do have to take a turn to ensure that we haven't gone overboard while keeping that international fence strong, that it is not overly burdensome to our folks here.

In addition, Mr. Speaker, we have to ensure that our financial institutions work in collaboration with government and agencies; that when guidance notes and regulations are re-drafted, they are done so in a way that everybody has at least a large or significant understanding of where the rules are going to go. This is the point of taking the time, because what I see sometimes, is that the agency knows what it means in the guidance notes, with all the best intentions, but oftentimes, it may not be applied that way in practice, and it causes a tension between the industry and the regulator— and where such tension exists, we shouldn't be afraid to try to clarify, because everybody's on the same page.

As far as I know, no one wants bad business, but at the same time, you should try to minimise the frustration on sound business, so I take those points on board; but in my view, none of what was said should detract from the fact that this is a new vision for the Cayman Islands to get ahead of standards, to not scramble at the last minute.

The Leader of the Opposition said it best: we have spent too much time, knowing what is coming down the pipeline— and forget what anyone is asking us to do; sometimes, you read the initiative and you know it is the right thing to do. Still held out until the last second to appease certain interests, and ended up on a list to then run around and have to make the change anyhow. It makes no sense.

We do the right thing that fits within our Constitution and our laws because it is the right thing, and show the world who we are. We're not going to demonstrate it to them cowering in a corner, complaining, and then having been *squeezed* to do something. We are going to demonstrate exactly who we are as a people, by getting ahead of things in our appropriate context so that the world can see that we are a globally respected financial services centre of excellence.

With that Mr. Speaker, I conclude my right of reply.

[Desk thumping]

Mr. Christopher S. Saunders: Mr. Speaker, I have a Point of Elucidation but I waited until the Minister wrapped up, because I didn't want to interrupt his flow. I realised he was in a rhythm. I wonder if it's too late to raise a Point of Elucidation?

[Inaudible interjection]

Point of Elucidation

Mr. Christopher S. Saunders: Thanks, Mr. Speaker, and thanks to the Honourable Minister for giving way.

With reference to the point I made in my contribution, which dealt with Part 5 - Access to beneficial ownership information which reads, in section 22(1) of the Bill:

“The competent authority shall maintain a search platform by means of which the persons specified in subsection (2) may be provided with access to information on all beneficial ownership registers maintained on behalf of legal persons subject to this Act.”

Section 22 (2) goes on to read: **“for the purpose of subsection (1), the competent authority may provide access to the information on the search platform to —**

- (a) the Royal Cayman Islands Police Service;**
- (b) the Financial Reporting Authority, established under section 3 of the *Proceeds of Crime Act (2020 Revision)*;**
- (c) the Cayman Islands Monetary Authority;**
- (d) the Anti-Corruption Commission;**
- (e) the Tax Information Authority;**
- (f) the Maritime Authority;**
- (g) the Civil Aviation Authority;**
- (h) the Register of Lands;**
- (i) an entity...”**

Et cetera. The point I was trying to make, honourable Members, is that if these entities will already have access to the beneficial ownership which includes the Tax Information Authority; and we already have other agreements with said different authorities as set out in those laws.

I am trying to understand why do we have a separate section just for the United Kingdom, whereas the Tax Information Authority has a list of over 30-something countries. I am looking for clarification as to why only the UK was listed, when in fact, based on section 22, it appears these entities already have agreements and will be able to access the information already there. My trying to get clarification on that was really the point I was making in my contribution.

Thanks for the allowance, Honourable Speaker.

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

Honourable Minister, [do] you wish to elucidate.

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker; and thank you for the question, Member.

As I mentioned earlier, but I'll try to cover it again, under that section this isn't just in relation to beneficial ownership information. The information that the Tax Information Authority shares under its legislation is tax information where beneficial ownership might be a subset of that data. In order for them to be able to facilitate their obligations under the agreements you're talking about, they may need to access the beneficial ownership information to transfer the full package over. That's why that's there.

As to the point about the only country in the Schedule, it is because of the Exchange of Notes that was adopted in 2016, in which the Cayman Islands agreed to exchange beneficial ownership information with UK authorities under that agreement. It is the only country attached to the Schedule of the Bill because it is the only Exchange of Beneficial Ownership Information Agreement that we have with that country strictly for beneficial ownership, not tax information.

The Speaker: Thank you, Honourable Deputy Premier and Minister.

The question is, that a Bill shortly entitled the Beneficial Ownership Transparency Bill, 2023 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Beneficial Ownership Transparency Bill, 2023, was given a second reading.

The Speaker: The House will now suspend for the luncheon adjournment. We will resume at 2.00 p.m.

Proceedings suspended at 12:54 pm

Proceedings resumed at 2:08 pm

The Speaker: Please be seated. Proceedings are resumed.

Banks and Trust Companies (Amendment) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister for Financial Services.

Hon. André M. Ebanks: Good afternoon and thank you, Mr. Speaker.

I beg to move the second reading of a Bill entitled Banks and Trust Companies (Amendment) Bill, 2023.

The Speaker: The second reading of the Bill is moved. Does the Honourable Minister and Deputy Premier wish to speak thereto?

Hon. André M. Ebanks: Yes, Mr. Speaker, very briefly.

Mr. Speaker, I rise to present the Bill on behalf of the Government. The Bill makes consequential amendments to the Banks and Trust Companies Act (2021 Revision) to include references to the Beneficial Ownership Transparency Bill, 2023. As the Amendment to the Principal Act (namely, the Banks and Trust Companies Act) is really just a consequence, the background I set out in my presentation of the Beneficial Ownership Transparency Bill, 2023 is repeated here.

Mr. Speaker, due to their proposed removal, beneficial ownership references to the Companies Act, the Limited Liability Companies Act and the Limited Liability Partnership Act in the Banks and Trust Companies legislation, need to be replaced with references to the Beneficial Ownership Transparency Bill. Therefore, the Bill is arranged in four clauses:

Clause one of the Bill provides the title of the Bill and sets out [that] it will commence by order of Cabinet.

Clauses 2, 3 and 4 replace the references regarding beneficial ownership that reference the Companies Act (2023 Revision) (sic); the Limited Liability Companies Act (2023 Revision) (sic); and the Limited Liability Partnership Act (2023 Revision) (sic), that those be replaced with the Beneficial Ownership Transparency Bill, 2023.

Mr. Speaker, that concludes my presentation of the Bill; I therefore thank my colleagues in Caucus and Cabinet for their support and, hopefully, the tacit support of the Opposition. I therefore commend the Banks and Trust Companies (Amendment) Bill, 2023 to this honourable House for its second reading.

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

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

Mr. Speaker, I will be very brief to signal that we in the Opposition fully support this amending Bill; and signal, as well, that we are supporting all of the remaining amending Bills that the Minister and Deputy Premier has to bring forward this afternoon, hence, I don't intend to get up and speak to each one.

Thank you very much, sir.

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

Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] If not, I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply.

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

I'd like to thank the Leader of the Opposition for that support and an indication of supporting the remaining consequential (Amendment) Bills. We can therefore move through the remaining eight swiftly, so thank you for that, Mr. Leader, and thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Deputy Premier. The question is, that a Bill shortly entitled the Banks and Trust Companies (Amendment) Bill, 2023 be read a second time. All those in favour, please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Banks and Trust Companies (Amendment) Bill, 2023 was given a second reading.

Companies (Amendment) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister of Financial Services.

Hon. André M. Ebanks: Thank you, Mr. Speaker, I beg to move the second reading of a Bill entitled Companies (Amendment) Bill, 2023.

The Speaker: Does the Minister wish to speak thereto?

Hon. André M. Ebanks: Very briefly, Mr. Speaker.

I rise to present this short Bill on behalf of the Government that amends the Companies Act (2023 Revision) to remove provisions relating to the beneficial ownership regime, as these will now be consolidated in the Beneficial Ownership Transparency Bill, 2023. Mr. Speaker, the Bill is set out in six clauses:

Clause 1 provides the title of the Bill and sets out that it will commence by order of Cabinet.

Clause 2 repeals Section 80D of the Companies Act which exempts specific companies from the beneficial ownership parts of the Act, as that is being consolidated in the Beneficial Ownership Transparency Bill.

Clause 3, which relates to the strike off, replaces a reference to part of the Companies Act relating to beneficial ownership, with the reference to the Beneficial Ownership Transparency Bill, 2023.

Clause 4 repeals parts XVIIA and XVIIIB of the Companies Act, which provides for beneficial

ownership registers and administrative fines, as these now form part of the Beneficial Ownership Transparency Bill, 2023.

Mr. Speaker, Clause 5 removes the reference to Schedule 7 of the Companies Act because this schedule is now placed in the Beneficial Ownership Transparency Bill.

Clause 6 repeals Schedules 6 and 7 of the Companies Act because these schedules are now placed in the Beneficial Ownership Transparency Bill.

Mr. Speaker, that concludes my presentation of this short Bill. I therefore commend the Companies (Amendment) Bill, 2023 to this honourable House for its second reading.

The Speaker: Thank you, Honourable Deputy Premier.

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

Hon. André M. Ebanks: Just to say thank you, Mr. Speaker; and thank you, colleagues, for your support.

The Speaker: The question is, that a Bill shortly entitled the Companies (Amendment) Bill, 2023 be read a second time. Those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Companies (Amendment) Bill, 2023 was given a second reading.

Companies Management (Amendment) (No. 2) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister for Financial Services.

Hon. André M. Ebanks: Thank you, Mr. Speaker. I beg to move the second reading of a Bill entitled Companies Management (Amendment) (No. 2) Bill, 2023.

The Speaker: The Bill has been duly moved. Does the Honourable Deputy Mayor and Minister of Financial Services wish to speak thereto?

Hon. André M. Ebanks: Very briefly, Mr. Speaker.

I rise to present the Bill on behalf of the Government. It makes consequential amendments to the Companies Management Act (2021 Revision) to include references to the Beneficial Ownership Transparency Bill. The Bill is arranged in four clauses:

Clause 1 of the Bill provides the title of the Bill and sets out that it will commence by Cabinet order.

Clauses 2, 3 and 4 of the Bill replace references in relation to beneficial ownership that refer to the Companies Act, the Limited Liability Companies Act with references to the Beneficial Ownership Transparency Bill.

Mr. Speaker, that concludes my presentation of the Bill, and I commend it to this honourable House for its second reading.

The Speaker: Thank you, Honourable Deputy Premier and Minister of Financial services.

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

If not, I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply— although there is nothing to reply to.

Hon. André M. Ebanks: Nothing to reply to, Mr. Speaker, except to say thanks to colleagues for their support.

The Speaker: The question is that a Bill shortly entitled the Companies Management (Amendment) (No. 2) Bill, 2023 be given a second reading. Those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Companies Management (Amendment) (No. 2) Bill, 2023 was given a second reading.

Foundation Companies (Amendment) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister for Financial Services.

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

I beg to move the second reading of a Bill entitled Foundation Companies (Amendment) Bill, 2023.

The Speaker: The Bill has been duly moved. Does the Honourable Deputy Premier and Minister of Financial Services wish to speak thereto?

Hon. André M. Ebanks: Yes, Mr. Speaker, very briefly as well.

Mr. Speaker, I rise to present the Bill on behalf of the Government. The Bill amends the Foundation Companies Act (2017 Revision) to provide for the application of the Beneficial Ownership Transparency Bill to a foundation company and is arranged in two clauses:

Clause 1 provides the title of the Bill and sets out that it will commence by Cabinet order.

Clause 2 of the Bill adds the Beneficial Ownership Transparency Bill, 2023 to the list of legislation that

applies to a foundation company under the Foundation Companies Act.

Mr. Speaker that concludes my presentation of this short Bill. I therefore commend the Foundation Company's (Amendment) Bill, 2023 to this honourable House for its second meeting.

The Speaker: Thank you, Honourable Deputy Premier and Minister of Financial Services.

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

If not, I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply.

Hon. André M. Ebanks: Thank you, Mr. Speaker. Just to say thank you to this honourable House for its support.

The Speaker: The question is that a Bill shortly entitled Foundation Companies (Amendment) Bill, 2023 be given a second reading. Those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Foundation Companies (Amendment) Bill, 2023 was given a second reading.

Insurance (Amendment) (No. 2) Bill, 2023

The Speaker: The Honourable Minister for Financial Services and Deputy Premier.

Hon. André M. Ebanks: Mr. Speaker, I beg to move the second reading of a Bill entitled Insurance (Amendment) (No. 2) Bill, 2023.

The Speaker: The Bill has been duly moved. Does the Honourable Deputy Premier and Minister of Financial Services wish to speak thereto?

Hon. André M. Ebanks: Again, thank you, Mr. Speaker— very briefly.

I rise to present the Bill on behalf of the Government; it makes consequential amendments to the Insurance Act, 2010 to include references to the Beneficial Ownership Transparency Bill, 2023, and is arranged in four clauses.

Clause 1 provides the title of the Bill and sets out that it will commence by Cabinet order.

Clauses 2, 3 and 4 of the Bill replace references relating to beneficial ownership provisions that reference the Companies Act, the Limited Liability Companies Act and the Limited Liability Partnership

Act with references to the Beneficial Ownership Transparency Bill, 2023.

Mr. Speaker, that concludes my short presentation of this Bill. I therefore commend the Insurance (Amendment) (No. 2), Bill 2023 to this honourable House for its second reading.

The Speaker: Thank you, Honourable Deputy Premier and Minister of Financial Services.

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

If not, I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply.

Hon. André M. Ebanks: Thank you, Mr. Speaker. Just to say thank you to colleagues of this honourable House for their support.

The Speaker: The question is, that a Bill shortly entitled the Insurance (Amendment) (No. 2), Bill, 2023 be given a second reading. Those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Insurance (Amendment) (No. 2) Bill, 2023 was given a second reading.

Limited Liability Companies (Amendment) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister of Financial services.

Hon. André M. Ebanks: Mr. Speaker, I beg to move the second reading of a Bill entitled Limited Liability Companies (Amendment) Bill, 2023.

The Speaker: The Bill has been duly moved. Does the Honourable Deputy Premier and Minister of Financial Services wish to speak thereto?

Hon. André M. Ebanks: Thank you, Mr. Speaker. Very briefly.

I rise to present the Bill on behalf of the Government. The Bill amends the Limited Liability Companies Act (2023 Revision) to remove provisions relating to the beneficial ownership regime, as these have now been consolidated into the Beneficial Ownership Transparency Bill, 2023. The Bill is arranged in three clauses.

Clause 1 provides the title of the Bill and sets out that it will commence by Cabinet order.

Clause 2 of the Bill repeals parts 10A and 12 of the Limited Liability Companies Act (2023 Revision) which provide for beneficial ownership registers and

administrative fines, as these now form part of the Beneficial Ownership Transparency Bill, 2023.

Clause 3 of the Bill repeals the Schedule of the Limited Liability Companies Act (2023 Revision) because this Schedule is now placed in the Beneficial Ownership Transparency Bill, 2023.

Mr. Speaker that concludes my presentation of the short Bill. I therefore commend the Limited Liability Companies (Amendment) Bill, 2023 to this honourable House for its second reading.

The Speaker: Thank you very much, Honourable Deputy Premier and Minister of Financial Services.

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

If not, I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply.

Hon. André M. Ebanks: Thank you, Mr. Speaker; and thank you colleagues of this honourable House, for their support.

The Speaker: The question is, that a Bill shortly entitled Limited Liability Companies (Amendment) Bill, 2023 be given a second reading. Those in favour please say aye, those against no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Limited Liability Companies (Amendment) Bill, 2023 was given a second reading.

Limited Liability Partnership (Amendment) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister for Financial services.

Hon. André M. Ebanks: Thank you, Mr. Speaker. I beg to move the second reading of a Bill entitled Limited Liability Partnership (Amendment) Bill, 2023.

The Speaker: The Bill has been duly moved. Does the Honourable Deputy Premier and Minister of Financial Services wish to speak thereto?

Hon. André M. Ebanks: Thank you, Mr. Speaker, I do.

I rise to present the Bill on behalf of the Government. The Bill amends the Limited Liability Partnership Act, (2023 Revision) to remove provisions relating to the beneficial ownership regime, as these have now been consolidated into the Beneficial Ownership Transparency Bill, 2023. The Bill is arranged into three clauses.

Clause 1 provides the title of the Bill and sets out it will commence by Cabinet order.

Clause 2 of the Bill, which relates to strike-off, replaces a reference to "Part 9" of the Limited Liability Partnership Act (2023 Revision) relating to beneficial ownership, as this reference is now included in the Beneficial Ownership Transparency Bill, 2023.

Clause 3 of the Bill repeals part 8 and 9 and the Schedule of the Limited Liability Partnership Act, (2023 Revision) which provides for beneficial ownership registers and administrative fines, as these now form part of the Beneficial Ownership Transparency Bill, 2023.

Mr. Speaker, this concludes my presentation of this short Bill. I therefore commend the Limited Liability Partnership (Amendment) Bill, 2023 to this honourable House for its second reading.

The Speaker: Thank you, Honourable Deputy Premier and Minister of Financial Services.

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

If not, I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply.

Hon. André M. Ebanks: Thank you, Mr. Speaker, and thank you to honourable colleagues, for their support.

The Speaker: The question is, that a Bill shortly entitled Limited Liability Partnership (Amendment) Bill, 2023 be given a second reading. Those in favour please say Aye, those against no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Limited Liability Partnership (Amendment) Bill, 2023 was given a second reading.

Mutual Funds (Amendment) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister of Financial Services.

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

I beg to move the second reading of a Bill entitled Mutual Funds (Amendment) Bill, 2023.

The Speaker: The Bill has been duly moved. Does the Honourable Deputy Premier and Minister of Financial Services wish to speak thereto?

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker. Very briefly.

I rise to present the Bill on behalf of the Government. It is a Bill that makes consequential amendments to the Mutual Funds Act (2021 Revision) to include references to the Beneficial Ownership Transparency Bill, 2023. The Bill is arranged in four clauses.

Clause 1 provides the title of the Bill and sets out that it will commence by Cabinet Order.

Clauses 2, 3 and 4 of the Bill replace references regarding beneficial ownership that reference the Companies Act (2021 Revision), the Limited Liability Companies Act (2021 Revision), the Limited Liability Partnership Act (2021 Revision) with references to the Beneficial Ownership Transparency Bill, 2023.

Mr. Speaker, this concludes my presentation of this Bill. I therefore commend the Mutual Funds (Amendment) Bill, 2023 to this honourable House for its second reading.

The Speaker: Thank you, Honourable Deputy Premier and Minister of Financial Services.

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

If not, I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply.

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker and thank you, honourable colleagues for your support.

The Speaker: The question is, that a Bill shortly entitled Mutual Funds (Amendment) Bill, 2023 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Mutual Funds (Amendment) Bill, 2023, was given a second reading.

Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister of Financial Services.

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

I beg to move the second reading of a Bill entitled Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023.

The Speaker: The Bill has been duly moved. Does the Honourable Deputy Premier and Minister of Financial Services wish to speak thereto?

Hon. André M. Ebanks, Deputy Premier: Yes, very briefly. Thank you, Mr. Speaker.

I rise to present the Bill on behalf of the Government. It's a Bill that makes consequential amendments to the Virtual Asset (Service Providers) Act (2022 Revision) to include references to the Beneficial Ownership Transparency Bill, 2023. The Bill is arranged in four clauses.

Clause 1 provides the title of the Bill and sets out that it will commence by Cabinet Order.

Clauses 2, 3 and 4 replace references regarding beneficial ownership that reference the Companies Act (2022 Revision), the Limited Liability Companies Act (2021 Revision) and the Limited Liability Partnership Act (2021 Revision) with references to the Beneficial Ownership Transparency Bill, 2023.

Mr. Speaker, this concludes my presentation of the Bill. I therefore commend the Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023 to this honourable House for its Second Reading.

The Speaker: Thank you, Honourable Deputy Premier and Minister of Financial Services.

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

If not, then I call on the Honourable Deputy Premier and Minister of Financial Services to exercise his right of reply.

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

Very briefly, to thank honourable colleagues, not only for their support but the swiftness in which we've dealt with these minor consequential Amendment Bills. Thank you, colleagues.

The Speaker: The question is that a Bill shortly entitled Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023, be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023, was given a second reading.

National Pensions (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Labour, and Pensions.

[Pause]

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

Before I start, Mr. Speaker, I'd like to take this opportunity to congratulate you on your new post in the role of Speaker. I have now witnessed you in every position possible in politics, I think. I stand to be corrected. As former Premier, I think history is being made here today as the first Premier elected two consecutive terms as Premier and now as Speaker; [former] Minister and also being knighted, all in one year it seems. Sometimes I'm confused, Mr. Speaker, as to what to call you. Perhaps Sir Speaker Premier.

The Speaker: Just don't call me late for dinner.

Hon. Dwayne S. Seymour: I don't believe that the Parliament has had four Speakers elected in one cohort; in yourself, the good Honourable Madam Premier, the former Premier and Member for West Bay West; and the Honourable Minister for West Bay Central—

[Inaudible interjection]

Hon. Dwayne S. Seymour: Actually five, the Honourable Member for George Town South, yes. I think there are some notes to be made here today.

Mr. Speaker, I beg to move the second reading of the National Pensions (Amendment) Bill, 2023.

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

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

Mr. Speaker and Members of this honourable House, will be aware of economic and housing difficulties currently facing Caymanians. The need in this current landscape, is for more flexibility for pension plan members as it pertains to allowing them to make withdrawals for essential purposes without jeopardising their long-term financial security.

That is to say the proposed pension withdrawals are not emergency withdrawals for immediate cash in hand, and are instead strategic withdrawals aimed at facilitating specific life milestones. I must admit, Mr. Speaker, that as much as I am excited for persons who get this opportunity to utilise their pension, I caution about concerns of many about the future.

The Amendments contained in this Bill aim to increase the maximum amount of withdrawals from pension plans for specific purposes, for example, making deposits on the purchase or construction of homes, purchasing additional residential property, making payments to reduce mortgages or real estate loans, and paying off mortgages.

Mr. Speaker, this Special Meeting of Parliament is not just for the Speaker's appointment but also to ensure—and I don't make light of that—that we did

all possible to make this opportunity available for persons before Christmas.

Mr. Speaker, I want to thank the mover of the Motion, the Member for Bodden Town West, and I know later on he will thank the former Minister (who was me); and the [current] Minister (me again).

[Laughter]

Hon. Dwayne S. Seymour: Mr. Speaker, as I mentioned when I first brought this Bill to this honourable House, our mission is crystal clear: empower every Caymanian to own a piece of the land that we call home.

These proposed changes will pave a pathway for people that facilitates home ownership, property investment and mortgage reduction, ultimately enhancing the overall quality of life for Caymanians and further asserting this Government's unwavering commitment to ensure that every Caymanian has a brighter and more secure future.

Mr. Speaker, the key amendments to this Act are as follows:

1. Increasing the maximum withdrawal allowed for home purchase or construction from \$35,000 to \$50,000 in section 52B.
2. Allowing for a maximum withdrawal for a reduction payment on an existing mortgage or residential land loan in the amount of \$50,000. Changes are reflected in the new section 52BA of the Act.
3. Increasing the maximum withdrawal allowed for the payoff of an existing mortgage from \$35,000 to \$100,000. These amendments can be found in section 52C.
4. Inserting new requirements whereby any withdrawals must be used for the member's primary residence, not investment property.
5. Adding new requirements in support of compliance—before permitting further withdrawals, applicants must provide evidence that any prior withdrawals are being repaid or have been repaid in accordance with legislation.
6. Currently, the Act requires a member to repay an additional 1 per cent contribution for ten years or until the normal age of the pension entitlement (60 or 65); however, it is recommended that the 1 per cent additional contribution should be increased to 3 per cent and the 10-year requirement should be removed in section 52D.
7. Currently, section 52E limits persons to the total of \$35,000 in aggregate withdrawals from more than one pension plan, which has been amended to \$50,000. The Amendment inserts a new subsection (1A) that changes the limit to \$100,000 in case of the payoff of a mortgage.
8. Insertion of two new sections (4A) and (4B) [under section 52B], supporting operational functions by requiring the source of funds for the purchase of the property; and mandating that any funds withdrawn under this section not used for the purchase of the intended property should be returned to the Pension Plan Administrator within six months of withdrawal, except where the dwelling unit is being constructed and the full withdrawal was not used—in which case the amount is to be returned within twelve months of the withdrawal instead.
9. Updating the wording regarding purchasing and construction from an existing dwelling unit to no more than two dwelling units to allow for the use of funds to extend to a duplex.

Previously, in order to commence the withdrawal process, the Act required a financial institution to issue a letter to the member that details the amount that is required for a deposit or to pay off a mortgage. The Act, however, did not contain any language to govern the content of the letter, which has caused some problems and concerns. Accordingly, the introduction of minimum parameters for the letter has been added under 52B, 52BA and 52C.

Currently in the Act, if the member sells the property prior to retirement, they have to repay the withdrawal amount of 10 per cent of the fair market value, however, if they sell the property post-retirement, there is no obligation to repay any amount. As a result, a member could wait until retirement and then sell the property which would allow the person to receive directly any amount that was required to be repaid in the pension plan. Furthermore, the member's use of those funds would be entirely at their discretion instead of being governed by the retirement provisions of the Act.

In order to address this issue and support compliance within the Bill, the language has been amended to the sale of the property before the repayment of the withdrawal amount would require a person to repay the higher of the withdrawal amount of 10 percent of fair market value.

10. The insertion of new section 78A, 78B, 78C and 78D to allow for improved governance of the National Pension Board, in particular, remuneration and immunity of board members, appointment and functions of committees, meeting of the board and duty of confidentiality. These amendments were guided by the comparable sections of the Immigration (Transition) Act (2022 Revision).

The Amendments I've just summarised, Mr. Speaker, seek to strike a balance between addressing the immediate financial needs of people as much as possible, while preserving the long-term financial

security of pension plan members by increasing additional compensation to repay some of the withdrawn amounts; however, Mr. Speaker, those provisions come with a set of well-thought-out checks and balances. In most cases, the withdrawals must be repaid through increased contributions.

As you will note from the list of amendments I just outlined, the Bill contains additional safeguards to ensure these withdrawals are repaid so as to ensure that these changes will not invite applications for monies designed to have immediate and short-term gratification. These amendments represent a restructuring of how our pension's regime can serve the broader needs of our citizens while preserving the integrity of the pensions system so that each person can live out their golden age in dignity.

As a reminder, the proposed amendments do not apply to the Public Sector Pension Plan, Parliamentary and Judicial Pension Plans, which are all administered by the Public Service Pension Board and are governed by different legislation that do not fall under my constitutional responsibility as Minister.

Mr. Speaker, in conclusion, our pension system underpins the stability of one of our most vulnerable populations, our retirees, and the changes reflected in this Bill represent our commitment to adopt an approach in order to ensure that those members of our society and our Caymanians in general are taken care of today and tomorrow. These changes, Mr. Speaker, which align with the Government's commitment to improving the quality of life for Caymanians and will have a positive and lasting impact on the lives of the people of the Cayman Islands.

Mr. Speaker, I must note, that whilst I knew this [proposed] Bill was coming, as a Member of Parliament I drafted a motion, knowing what we knew about the amount of funds that have been withdrawn during the pandemic, and also the amount of funds that would be withdrawn [following] this Amendment, that we as elected representatives need to be responsible and look towards the future and what this will do to our people when they need it in their golden age.

The Motion I drafted was a motion to create a Social Security Retirement Fund, the sources where it would come from to be named. I think we need to do something like this to protect some of our citizens so that we will have some kind of fund, not just leaning on Needs Assessment Unit (NAU) to get funds from in your latter days when your pension runs out. I just wanted to make note of that. I had also spoken to the Member for Bodden Town West in supporting me on that Motion and we agreed to do so, but of course, you see we've had some change of times and now I'm back at the helm.

Mr. Speaker, I wish to commend and thank the Ministry, the Acting Chief Officer Ms. Whittaker, Deputy Chief Officer (DCO) Ms. Roberts, Policy Officer Ms. Rolna, Chief Officer Howell, other staff who were involved in bringing this forward. Also the Legal Drafting

Department and certainly any others involved in bringing this Bill which seeks to provide real and long-lasting financial relief to our people in these times of national economic growth, which unfortunately often translate to personal economic difficulties.

Mr. Speaker, before I end, and I say it all the time in private quarters and in public settings, the effects of two years of pandemic... People around the world were so eager to get back to some normalcy, that we tried to forget about the pandemic and the effects that it may have caused. Yes, one person in the family may have continued to work because they weren't in the tourism industry that was hit hardest, but think of what it does to a family who depends on both incomes and one person [was] working in the financial industry or the Civil Service or administration, and one person working in the tourism industry. The ports were closed for two years, so it affects even some families of public servants, and

Today we're not addressing that, we are addressing private pensions; but I'm saying that we have to think that the long-term effects— two years of port [closures], and almost 50 per cent of your working population not being able to work— can't be solved in two, three, four, five years. It's going to have a long-lasting effect. Yes, as we are excited to have people take from their pensions now, which is something deemed for their retirement, we are still concerned about the future of our people and make no light of that, Mr. Speaker.

I, therefore, commend the National Pensions (Amendment) Bill, 2023 for the favourable consideration of this honourable House, and I beg everyone's support as our people are waiting patiently for this day to end so they can start communicating with their pension providers.

I thank you all and God bless.

The Speaker: Thank you, Honourable Minister of Labour.

Does any other Member wish to speak?

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

The Member for Bodden Town West.

Mr. Christopher S. Saunders: Mr. Speaker, I want to thank the Honourable Leader of the Opposition for giving me the first right of reply on this side of the aisle, the normal protocol is that whenever the Government presents a Bill, the Leader of the Opposition speaks first, so I want to publicly thank him for giving me the leeway on this one. Equally, Mr. Speaker, I'd like to thank the Honourable Minister and all the Members of this honourable House for bringing this Bill today.

I want to say a special thank you to the Honourable Premier. Last week I had a discussion with some Members of the Government Bench, and at least they agreed that they would bring this Bill forward as a matter of priority because they recognised that many people have challenges, so I want to thank the

Honourable Premier for honouring the agreement to bring it. We didn't have to come today as a Special Meeting, but I am really deeply appreciative and I'm sure the thousands of Caymanian families are deeply appreciative.

Mr. Speaker, I also want to thank the banks in advance for their cooperation on this matter. The reason I say that Mr. Speaker, is because some banks or some mortgages depending on how they are structured, will have early repayment penalties. I'm asking the banks to take a look at this Motion and what we are trying to achieve; to help our families and to cooperate with them. This is not the time for them to be making more record profits at the expense of many people.

The Members here who have already seen CIMA's annual report, although it has not been made public as yet, we have already seen the profitability in many of the sections. While I recognise that these are challenging times, people have a tendency of making a profit during challenging times, and I don't need to mention one particular company which also just made record profits during challenging times.

Mr. Speaker, the purpose of a pension is to allow people to maintain a certain standard of living during their retirement age. I know there are many people out there who are questioning, or basically encouraging the Government not to pass this, as some of them see it as raiding the pension plans, but if you think about it, when a person has an opportunity to pay down or pay off their mortgage much quicker, especially in this period of high inflation, we are actually doing a service to our people.

I am sure many people listening would be familiar with a mortgage calculator. For anyone who is going out to buy real estate, the first thing they do is go online, look for a mortgage calculator, look at the amount that they are borrowing, the interest rate, the term and they have an idea of what their monthly payments are; but Mr. Speaker, I would ask people to look at something called an inflation calculator—the effect inflation would have on savings.

To put it in context, I will use \$100,000. If you have an inflation rate of 5 per cent and you are sitting on \$100,000 cash today, in one year that \$100,000 is worth \$95,238. In five years, that same \$100,000 is worth \$78,353, and in ten years, that same \$100,000 is worth \$61,391. That is 5 per cent.

Mr. Speaker, we have seen inflation in Cayman surpass 9 per cent. The same \$100,000 at a 9 per cent inflation rate? In one year, \$100,000 is worth \$91,743. In five years at the inflation rate of 9 per cent, \$100,000 is worth \$64,993, and in 10 years, that same \$100,000 is worth \$42,241. That is the effect of inflation, so when you do see the United States Fed raising interest rates trying to curb inflation, that is part of what they are trying to do. People who have lived in countries with very high inflation, they have seen their buying power, their savings, et cetera, eroded almost overnight.

Not to single out any country, but it is a problem, so if we have an opportunity in these high inflationary times to have someone take \$100,000 and do something useful with it and not have that burden in their later years in life, I think it is actually pretty good. What is the use of people having pension plans that in some cases are losing money, and still paying a land loan or a mortgage at close to 10 per cent. It really makes no sense, so this initiative is almost a no brainer.

I do understand that the Motion called for a select committee, for Members of this House to actually sit down and have a very honest conversation about what the future of Cayman needs to look like. The Minister touched on it during his speech when he talked about the Social Security safety net and the truth of the fact is, that it is needed. As I said last week, we have 95 per cent of our population making a living by providing a service. God forbid, one of them gets sick with a stroke, or a heart attack or something, and can no longer earn a living. What will happen to their families? In short, we have a situation where about 95 per cent of our population is one medical emergency away from being bankrupt. I do not think this is something anyone wants to look at.

Earlier today, we looked at the beneficial ownership and we talked about global standards, and part of the idea of having a select committee is to look at the global standards with regards to employee benefits. We cannot sit here, looking to do every global standard which is good for business, but at the same time not have the same global standards for our people—and having a social security safety net has to be part of that discussion.

Equally, Mr. Speaker, we need to look at Cayman's dependency ratio. This is the 2021 census which I walk with and I will tell people: read it when you can.

If you were to look at it, it will tell you that the Cayman Islands has a dependency ratio of roughly 35 per cent. What is the dependency ratio, Mr. Speaker? It is the ratio that looks at your working age and non-working age population and who is dependent on whom and 35 per cent is typically what you find in most modern, developed countries where 35 per cent of the workforce is dependent on 65 per cent of the workforce. Basically, it calculates those 15 and younger and those 65 and older, versus everyone in between, which is pretty much the productive age.

If I was to take out the Caymanians versus non-Caymanians in the same census report, you will find that the Caymanian dependency ratio is actually 50 per cent—actually among the highest in the world—where literally 50 per cent of our population is of working, productive age, and the other 50 per cent is dependent on them. That is not something we should take lightly, and it is one of the reasons we need to sit down, and have that conversation.

If you look at the 2021 census, it will tell you that the median age in Cayman is 38 years. How does that compare globally? The global median age is

actually 30.5. Basically, 50 per cent of the population is 38 and above, and 50 per cent is 38 and below, so we have a structural problem and nowhere can we see it more than as politicians, when we look at the average voter age. Based on the last statistic provided, the average voter age in this country, despite the median age being 38, is actually 53. That is the average age of our voter here, 53. At 49, I have the second youngest constituency and pretty much everyone agrees 49 is no spring chicken— although people may think otherwise.

The point I am making, is that we also have structural issues that we need to look at, so while this Pension [Amendment] Bill may be somewhat of a short term fix for many of the challenges that people are having today we, nonetheless, need to sit down and have the conversation in terms of what our pension needs to look like going forward. We recognise that the current system has its challenges.

We have a contribution rate of 10 percent. That means, simply, that it takes 10 years to save one-year's salary. If you work for 50 years, you would have saved five years' salary and if you are lucky enough that it is invested wisely, those five years may become ten years' worth of salary; but in a country where you have people retiring at 65 but women living to 84, it means you need 19 years' worth of salary past the age of 65. For men who are living to an average age of 79 mortality rate, you need 14 years' worth of salary past the age of 65 so, even if you have five or 10 years' worth of pension saved, the fact is there is already a shortfall.

We do not need to guess if there is already an impact on this. We already see it, every time we come down here and have to deal with NGS 55 or HEA 2. The irony about it, is that the same census tells us that 93 per cent of our population has health insurance; but yet, last year we spent over \$70 million dollars taking care of people from a health standpoint, and I find it hard to believe that 7 per cent of our population is driving \$70+ million worth of health care costs.

Again, since the actual Pension Bill was passed back in 1998, we have seen people whose pensions got wiped out by the 2008 global financial crisis and quite recently, even during COVID, we saw some pensions take a hit. Therefore, I do not know what the next five or ten years may hold, but I can tell you that right now, in today's high inflationary environment, having people take a burden off themselves, by being able to pay down or pay off one of their biggest month to month financial costs, would go very far.

Simply put, Mr. Speaker, when I first brought this Bill a couple months ago, one of my constituents' balance on his mortgage was \$113,000 and he said to me, *"Chris, as soon as you guys pass it, I want to take \$13,000, pay it down or \$14,000, pay it down to get it just below \$100,000 and then pay it off. I'll be nice. You can't talk to me after that"*, were his exact words. I know another lady who is waiting for the same thing, waiting to go to her husband and say, *"See there, we're mortgage free— we're debt free."* People are waiting.

We have seen— and I know I do not need to tell you guys because we are all in the same boat in this regard. We have all seen the mortgage rates go up significantly across, and this is an opportunity to say to the banks— or to those people who are not able to pay off their mortgage— "You have two options available when you can pay down:

1. You can say to the bank, leave the loan with the same term or the same maturity, but that will result in a lower payment; or
2. I will keep the same payment, but for a shorter period of time."

That is what we are looking for. At least this gives many families much-needed financial relief.

Several months back, there was an article where a famous economist was basically telling the Government to think twice about doing this; to "not raid the pension one more time" and so forth— and, Mr. Speaker, it kind of bothered me. Rather than lambasting all the legislators who supported this initiative, balanced journalism would require you to reach out to one legislator and ask to, at least, report on the flip side.

You can't stay overseas and not understand the plight and the struggles and the challenges of everyday Caymanian families, and just pass an opinion as if that should have some weight or authority. This is exactly one of the things that we in this country need to fix. Too many people not from here are comfortable getting up and criticising what we do in this Parliament, and I am going to say to people what my mother taught me from an early age: If you come to drink milk, drink milk; don't count cows.

Caymanian peoples' business, is Caymanian peoples' business. Whichever country you come from, their Government business is your business. Stay out of my Caymanian peoples' business. We have our own unique challenges. We have our own unique problems, and when we see reports like that coming in, where people from a different country that is more messed up than ours are trying to give us advice, I want to tell you: Reject it.

We have a mind-set where we always believe that everything from overseas is better than what we have here. It is a disservice to what we have built here, as Caymanians. We have a financial services industry that we just sat down here earlier to protect— to defend— that was built by people who, shamefully, if they came back today, they could not get a job in the same industry they built because they would be told that they are not qualified. That they don't have this or that.

Mr. Speaker, I really want to thank the Minister and the Government for putting this Bill forward and supporting this Motion. I have to say special thanks to the Member for George Town Central and others, for it to get as far as it has gotten. I know the Member for North Side has always been a supporter, and also the Member for Cayman Brac East, who is now Premier.

I feel so much better knowing that something like this will actually go through, and I said to the

Minister of Financial Services during the break, it is for him and the Premier to go meet with the banks and say, listen, *"This is not the time for you to try to rinse off all of the interest that you would have gotten from these people in terms of who's trying to at least make a better life for their families."*

House insurance is already killing people. CUC light bills are already killing people. Mortgages are already killing people. Please have a social conscience, because I'm going to tell you, Mr. Speaker, and I'm serving warning from now, if some of these banks—and I know some of them out there are greedy, because I used to work in a bank so I know who the greedy ones are—have decided that they are going to go that route, then it should take nothing for us to come into this House and pass the necessary legislation to stop them from doing what they are doing.

It is better for them to cooperate with us in terms of what we are trying to do and provide relief for our people and not look to basically squeeze as much interest as they can get in this high-interest environment, because what you do not want is people struggling and suffering and then seeing record making profits coming out of some of these entities. It is not good. This is the kind of environment that creates the type of politician that businesses do not like.

We must have a balance. We must have some level of fairness and to the people who keep messaging me to complain about us doing this—stop messaging me, because I fully support it and I am not going to stop. This is about people getting financial relief to help themselves in these tough economic times, and most of the people who are messaging me are people with money. It is almost like it bothers them to see other people having some kind of relief or other people having money. It goes back to the same bad mind mentality.

Mr. Speaker, because I know that other Members want to speak on this [Bill], I want to close with the civil service. They are not covered under the National Pensions Law, nonetheless, they are also struggling and have the same challenges as individuals who are covered under the National Pensions Law. The Government needs to sit down and find a way, especially for those who are on the defined contribution plan, in which we can offer them some kind of assistance.

I know it is a delicate subject for some, but 26 per cent of my voters are public servants, and I cannot sit down in good conscience and bring something and then realise that public servants are excluded. I do not know what the solution is going to be because the government pension is structured differently and those funds are managed differently, nonetheless, it is something that we need to look at.

Again, I felt much, much better listening to the Honourable Premier on the radio the other morning, recognise the challenges that many Caymanian families are struggling with. It was a bit of fresh air—and I said it last week, when I talked about "unequal yoke." You need people who understand middle class

families, middle class struggles and middle-class challenges, because I can tell you, it is a different mind-set altogether. Not every one of us in here is rich.

Many of us see many people who are struggling, and it is to our doorsteps they are coming, and while we are fortunate enough to live in a society where they will come and ask us nicely, we are also not naïve enough to not see the increase in crime where people are now reaching a point where they are not asking so nicely. We need to make sure we at least give our people the tools to make themselves better. This is our opportunity to close the dignity gap for our people.

Many of our people are hurting, and finding themselves in a position they have never been in before, and it is not a good place for them mentally. We have seen the rise in stress in this country, that has been the number one killer of people. The number one driver of all different illnesses is stress. People sitting down and stressing and people awake at night. We see it. We are not immune to it.

Again, I want to thank the Honourable Minister, all the Members of the Government; the PPM Opposition, for supporting this Motion, and the Government for actually following through on it. I am really deeply, truly, appreciative of it.

Thank you, Mr. Speaker.

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

The Member for West Bay West.

Hon. W. McKeever Bush: Thank you very much, Mr. Speaker and let me right off thank the Minister and his team for moving this forward so quickly after the reshuffle of Government; and, of course, to thank our UPM colleagues for agreeing that this has to be a priority.

The Motion that the Member for Bodden Town West talked about is one that I seconded—yeah, yeah, you forgot. You always forget me.

[Inaudible Interjection]

Hon. W. McKeever Bush: Because we discussed it, we knew the situation. From my standpoint, I moved the Motion [during the] 1984-1988 administration, in fact, I think it was in 1985, to get a pensions Bill and a labour Bill—two things I had campaigned on.

The Government of the day took it on and passed the Motion, but nothing got done. Nothing got done, until I moved the Bill as the Minister of Community Development in 1994. It was roughly ten years to get pensions. We had gotten the Labour [Act], but it was bare bones. It wasn't anything [much] because the administration then was more than careful of the environment in George Town, and the establishment in George Town, which fought against both things.

One of the big arguments with the Pensions Bill was whether we would allow people to withdraw from the pensions. Well, some of those who fought against

it, became pension providers. They would have been the people saying they were looking for good governance, good this and good that, but what they were looking for was good pocket money; so, they fought against it and the truth is, we lost the battle then. We did not lose the war, but we lost the battle. We could not get it in because the powers that be— which I was a part of as Minister in that Cabinet of five Members, I could not get anywhere with it.

Then, 2009-2012 came along. I was Premier and we had people like Mr. Elio, Minister Seymour, and the present Premier who were—

[Inaudible Interjection]

Hon. W. McKeever Bush: No, he was a young UDP president then.

During that time, a Motion to be able to withdraw the funds was accepted, and after a very rancid battle to get it done, it was agreed. The big complaint, and the warning, was that we would make people less able to care for themselves in retirement years. Well, it was, and is, something that hit us, which we had to consider— that we had to be aware of, and we are still aware; but it was a bit of hypocrisy [because], as I said, part of the people who fought it twenty years before, the same people talking in 1994 and 2009, became pension providers.

As usual, they were being the hypocrites that some of them can be. They never talked about the management of the funds. They never talked about it when people lost \$200 million. Pensioners' money. Did anybody hear anything about it? Was any report made to our people who are supposed to be checking on these things, because there must be some sort of regulatory body to check on it. I didn't hear anything. I knew about it. I raised it in *Hansard* while I was in the Opposition, and I think even the Government at the time spoke about it but did anybody— *anybody*, say anything about that situation? Over \$200 million from what I understood. People's money!

Now, here we are. The current financial environment is wreaking havoc amongst families, and we do not need to go through this, because it is Thanksgiving and we are already going to be very late for family dinners but, Mr. Speaker, the situation in this country is not good. We had that reshuffle because people are hurting, today, like I have never seen. As I said this morning, on the 22nd was thirty-nine years since I was elected, and at least ten years before that of being involved, and I have never seen families so shaken up, so... distraught.

There are many different things— social problems are a serious issue in the country— but financially... you do not have money to pay your bills, to buy food. That is what's happening. Worse, if you had a little house, you are losing it; and worst of all, if you *can get* a little house, but you cannot get it! You are not able to get it in a country, a small developing state such as we

are supposed to be. "Small, developing state" are the big words they will use.

All of that. All that we are doing, and yet we have these kind of situations. \$1.2 billion budget, over a billion dollars, for this little place; and yet, we face these situations and we have people scared to death, Mr. Speaker, of saying anything about social development or helping people, because they have to run with these people who do not want to see us get ahead.

Something that made me move on the 9th, (that was a month that I had given them notice), was a young, professional lady working with the NRA. [She] was married, they broke up. They had a waiver, but she lost the house. They had to take the sale of the house to pay the mortgage, so she had nothing but three children, living in her grandparents' one room. She was smart enough, because she is intelligent, to get a mortgage, but had to get a waiver. She was approved for the mortgage, depending on the waiver, and got some of it. They could not give her all of it.

She borrowed the money for her down payment and they could not give her all of it. Couldn't give her the money— wouldn't do so! Because rules say this, and rules say that, when all the while, the Minister of Finance has the discretion. I know. That's in the law, I was Minister of Finance too. You have a discretion. How can you claim she's a first-time Caymanian, to get a waiver? Because she had one already? That's a different situation all together. We fixed it though. She got it now.

I'll tell you what: If we can't fix some of the things that I am saying— and no use of me and you talking, then, I don't know if I want to be part of this. Maybe my forty years is time to give it up. Especially when it comes to situations like these, because I come from that side of the street. I know what need is, not just want. Yeah, you want things too. *I know what need is*. I know what it is to need a house— not a plan, a house. I know what it is to sleep on the floor. I know what it is to live in my grandmother's house, I grew up there. Good times, but oh, I know how bad it was with sisters and brothers and rainy weather and leaking roofs. I know all of it. That's why I fight the way I fight, because I've been through it and I have nothing to hide. You ride the tiger, what you do? You reap the whirlwind.

I'll tell you all in here, change your mind on some of these things. You're talking about you are new and you're young, well, you are, but don't let these people ride *unna* to pieces believing that you can't do some of what we are doing here. It has to be done. It has to be done. While this situation is at hand and if we can alleviate one burden, it's a Godsend. Have pity. You don't know; none of us know, what our children will come to.

I have five grandchildren; one, six years old in a few days, [the] other one just finished college. We have grandchildren, we don't know what's going to happen here. We have to set the right background and the right foundation because there are people who don't

care about these kinds of social issues in our country. Therefore, I am very pleased— and I better not ramble along if you want to get out of here— but it's a Godsend. No, pensions are not a savings account. They are not a savings account, but it's their savings. It's the people's savings that they can utilise now, so it's a Godsend.

There was nothing about the proposal I raised in the debate, and I think afterwards, during the discussion in the Committee Room with the Minister and his Ministry Team, which the UPM governance accepted, for an amendment which the Minister will move. I guess he's got permission. I hope he gets it, if he hasn't gotten it yet. That is, the matter of the outstanding strata fees. Mr. Speaker, that matter is as important as the outstanding mortgage because some people have not been able to pay their strata fees so you allow them to get the money to pay off the mortgage, but they end up at \$10,000, \$15,000, \$20,000, outstanding on the strata fee. The banks are going to check on that.

They're going to check on it, so we have to make provisions for this scenario, so that we don't depend on the banks. You can't. Talk to them. When they raise your mortgage up to what it is today, talk to them. They will say, *"We can't do anything about it; it's not our money, it's other people's money."* That's what they will tell you— but we have to, though. We have to. It is one way of stopping them from telling the person *"No"*; because we did the Amendment and put it in the Bill. Then the person will be able to qualify, if necessary. My position is, if they pay off the mortgage, we've done a good thing— but you left them with a humongous bill that they can't handle anyway, so we have to do it. Thank God the Minister and his team has an Amendment enable them to pay that outstanding amount.

Mr. Speaker, I will end there except to say that once this got to the public, I started to get calls from civil servants on my community chat, and my West Bay West Enhancement chat. *Is this about Civil Service? Can we do anything?* I had to write back to them [explaining that], *No, this is not about the Civil Service; it is about private sector pension funds.*

Many of them, I think, would know that the Governor controls the civil servants' pensions and some of them, whom I call the rank and file, are hurting, too. They're hurting, too. In their situation, they can petition the Governor to withdraw from their [pensions] and I would hope that they do so. That's why I talked about the Cost of Living Allowance (COLA), and the new Premier has taken that on board and will deal with those issues come the budget, and for Christmas, I hope. We have to do these things. These are not good times, as I said. While they are the best of times, they are the worst of times for our people.

That's why we are dealing with such things as the customs amount on re-entering Cayman. It will go far. These are the things we have to do. Caymanians want immediate gratification. They are not willing to talk about long term, not right now. They're not stupid, they

know we have to plan long term— but when the car can't start, when your house is leaking, when you can't buy food, it's instant gratification that our people are looking for and we, as the elected body, with \$1+ billion in revenue, have to find the wherewithal to deal with these issues.

Thank you very much, Mr. Speaker.

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

Does any other Member wish to speak?

[Pause] The Member for West Bay North.

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

Mr. Speaker, I too am happy to see this finally reach here. I see the Minister of Tourism is ready to speak. I hope he'll remind the House that he proposed it around 2017 or 2018. We supported it then, and I'm glad to see it back with so much support.

The people need this and I hope, especially for single parents, that we look really carefully [at] how we can help our people. Thank you, and I will be supporting the Bill.

The Speaker: Thank you Member for West Bay North.

Does any other Member wish to speak?

[Pause] The Minister of Tourism and Ports.

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

I don't intend to be very long as some Members already started to tap into areas I want to highlight, but I am very grateful to the Member for West Bay North for highlighting that I brought much of what is in this Bill, in a Motion dated the 28th June, 2018, some five years and a few months ago. Although most of the arguments and debate as to the reasons to allow it were flushed out then, they're still relevant today, if not more so, given the high interest rates so I'm very happy, Mr. Speaker, to finally see this being done in legislation today.

I think it is only right to highlight former Member of Parliament, Mr. Ellio Solomon's efforts with the now Minister, for taking the initial steps to allow a vehicle, an avenue for withdrawals for Caymanians to purchase homes and pay off mortgages, as many people have forgotten the foundation of the principal areas of this Bill and where they stemmed from.

Mr. Speaker, though we have heard all the arguments as to the reasons— I don't think they need to be doubled down again— I think it's important that we talk about the persons who will not be able to have the benefit of these Amendments to the Bill namely, the hard-working civil servants and public servants who will be excluded in this new Amendment.

Mr. Speaker, like many Members of Government and the Opposition, I have heard the calls of the civil servants and public servants who currently contribute to the Public Service Pensions Board, and though we hear them, we find ourselves in a difficult place where we don't know how to address or to fix their

concerns when they see their fellow Caymanians having an opportunity within law to withdraw from their pension, sometimes being considered as savings. It's important to understand the structure of governance in our country and who is responsible for what area and what lies within the power of the Members of this Parliament.

Mr. Speaker, the piece of legislation that governs pensions for civil servants and those Statutory Authorities and Government-Owned Companies (SAGCS) that contribute to the Public Service Pensions Board, is the Public Service Pensions Act which falls under the structure of the Portfolio of the Civil Service. It doesn't constitutionally fall under any elected Member but under the Governor's Office, so ultimately, Mr. Speaker, if there was to be a proposed change that would allow an avenue for withdrawal, it would have to come from the Head of the Civil Service.

Now, Mr. Speaker, I am very mindful of both the constitutional responsibilities I have, and section 55 of the Constitution, so I dare not overstep the responsibility the Honourable Premier has laid in my hands; but it's important that the civil servants understand that their representatives hear their cries and understand that they too are being affected by the high interest rates, and wish they could have the opportunity to withdraw from their pensions. However, conversations about that opportunity have been had, and the indications have been that it is not something that would be supported.

I say that because the civil servants and those who will not get the opportunity, need to hear it and not feel that they are being cheated by the people they voted into office for not giving them the opportunity. You see, Mr. Speaker, something I know that you are very familiar with, but most who listen to this honourable House may not always fully understand, is that we bring Bills to this honourable House that will eventually become law, but there is a final stage before they become law— they have to be assented to by the King's representative, better known as Her Excellency, the Governor.

If the Head of the Civil Service is not in support of such a suggestion to change the Public Service Pensions Act to allow civil servants to withdraw from their pensions, even if we as legislators bring the necessary changes to that law because this Parliament is in charge of all legislation. We are the People's representatives to make the laws on their behalf— but we are still an Overseas Territory which has to be finalised by the King's representative.

Now, Mr. Speaker, I had an opportunity to look at the Portfolio of the Civil Service and their mandate and I want to put things in context for the public to understand where our power lies and doesn't lie. This is a copy of what they are responsible [for] and it says:

“What We Do

The Portfolio of the Civil Service (PoCS) provides policy advice and support to— it says His Excellency

because they haven't updated the website, but it should say Her Excellency— **The Governor and the Deputy Governor in overseeing the operations of the Civil Service. The Portfolio also provides strategic HR advice and operational HR functions to Public Authorities. PoCS has a central role in the diagnosis, design, implementation and evaluation of public sector reforms within the Cayman Islands, and, on occasion, in other overseas territories”.**

Mr. Speaker, a further note on their website says, **“PoCS is comprised of 12 departments, sections and units. The Portfolio also has oversight of one statutory authority, namely the Cayman Islands Public Service Pensions Board (PSPB)”.**

I only read that into the record of the honourable House for the public to understand that the Public Service Pensions Board is fully controlled by PoCS through the constitutional power given to the Deputy Governor, which is actually the power of Her Excellency herself. I want to further support the position put forward by the Honourable Member for West Bay West in saying that if, as Caymanians, they feel that they, too, should have the opportunity we are giving to those Caymanians who are not a part of the Public Service Pensions Board but private pensions, they would have to petition Her Excellency.

Sometimes we, in this honourable House, get blamed for things we have no control over. By no means am I trying to drive any wedges between the elected arm and the civil service arm, Mr. Speaker— we work hand in hand to run the country, but sometimes we, the elected arm, get blamed for things while the average person in the public may not understand [that] we don't have the power.

To give you an example, Mr. Speaker, it is perceived that we are allowed to give jobs within the civil service or the SAGCs to members of the public, and many times I have to say I cannot get involved in HR related matters, I can lose my constitutional responsibilities. The public believes that once you're elected you can say, *I can hire this person in the department, I can hire this person in an authority or a government-owned company.* We can't do it. As a Matter of fact, by our Code of Conduct in Cabinet we can lose our position as Cabinet Ministers; it could be considered as corruption and interference.

Mr. Speaker, that example is quite similar to this, whereby civil servants who give their hard [earned] contributions to the Public Service Pensions Board probably have good amounts of money within their pension plan but there's only so much we can do within the honourable House because of the construct of our relationship with the UK. We're not independent, we don't have the ultimate say.

Mr. Speaker, I'll wrap up saying that, though we not may not be able to give the civil servants and those in the SAGCs good news with respect to being able to withdraw and take away some of the added pressure of the increased interest rates by paying off

some back payments, this Administration, this Government, this new group, the United People's Movement, does have some substitutions.

I will leave it to the Honourable Premier to make her announcements later today, which civil servants and the rest of the public servants of the SAGCs should be happy about, but I think it's important that I clarify that for all those who are within the sound of my voice.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister for Tourism and Ports.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you very much, Mr. Speaker. I shall be brief.

Mr. Speaker, I'm happy to be able to speak to this Bill that's before this honourable Parliament this afternoon with regard to amendments to the National Pensions Act..

Mr. Speaker, we have been reminded today as to the origin of these amendments—that they arose out of a Private Member's Motion which really wasn't that long ago, if I remember correctly. First off, it really pleases me that the Private Member's Motion was debated; the issue was ventilated quite well inside this Parliament, and it was supported by every Member of this honourable House. Here we are again, just a few months later, we have the Amendments and we're now debating passing them into law. To me, Mr. Speaker, it shows us what can be accomplished sometimes. When, for want of a better way of describing it, all the stars line up and we get it done, we can get it done really quickly. I'm grateful for that.

Mr. Speaker, from what I see within this Bill, it does reflect the will of this House in terms of the amendments that we asked for in the Private Members Motion. Something that I am particularly grateful to see here are the repayment terms; that people are not going to be able to just take money out of their pensions and that's the end of the story, it's got to be paid back, and that is absolutely important. Otherwise, without the payback provisions, all you are doing is creating another problem.

The public might not like it, but the reality is, this is their pension fund and if you're taking out what you're saving for the future [and] spending it today, they could still end up knocking on the NAU's doors at some point in their retirement seeking assistance. That in itself, is a terribly important clause in this Bill which I think would be really helpful as well.

Mr. Speaker, we in the Official Opposition fully support this Bill as we supported the Private Member's Motion when it came to the Floor of this House. We look forward to seeing it being made available and signed

into law so that those who qualify can begin to access and take advantage of the provisions.

I have to admit, Mr. Speaker, that since the Private Member's Motion was passed, I've had calls too. I've had calls from people in the private sector looking, *when is this going to happen?* I've also had calls from members of the civil service asking, *will these amendments apply to us?* I've had to indicate to them that *No*, that it really is only for the private sector pension plans and nothing to do with the public service one. I know that there is a demand for these provisions and that there are people who will avail themselves of this opportunity to be able to access their pension funds for very limited purposes; let's be clear about that. It's not a free for all.

I do reflect upon what has been said and would encourage those who are in a position within the Civil Service to take a look at it because I know that there are those within the Civil Service who could benefit from something like this. I know there may be challenges there, but I do believe within my heart that where there's a will, there is a way, and we can find it.

Mr. Speaker, I will conclude my debate on the Bill and say, on behalf of the Opposition, that we support this wholeheartedly and look forward to voting in the affirmative when the time is right.

Thank you.

[Inaudible interjection]

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

The Minister of Health and Wellness and now Home Affairs, I believe.

Hon. Sabrina T. Turner, Minister of Health & Wellness and Home Affairs, Elected Member for Prospect: Yes, sir. Good afternoon, Mr. Speaker.

I crave your indulgence before I make a short contribution on the Bill, to offer my congratulations on your appointment as Speaker of Parliament. It's almost funny. There in the Hallowed Halls, it was an honour for me to say, *remember you're my elected representative*; and your reply was, *remember you mine*.

[Laughter]

Hon. Sabrina T. Turner: In all honesty, sir, I look forward to working with you, especially as we move forward together. Recognising the importance of unity and cooperation, it is my prayer and hope that we may seek to foster greater collaboration across party lines, understanding your role is one of neutrality. This could possibly involve initiating more dialogue forums and working groups to address national issues through bipartisan efforts.

I am also very hopeful, coming off of the Leader of the Opposition's contribution. It pretty much aligns

into bipartisanship, as we get on with the work of our people in the best interest of our country.

Once again, Mr. Speaker, congratulations to you.

[Desk thumping]

Hon. Sabrina T. Turner: I know that many of my colleagues on this Floor have actually given words in relation to the National Pensions (Amendment) Bill, 2023, so it has been ventilated quite enough. Just to prepare some context of the history and the process in getting this Bill on this Floor, quite coincidentally on what we know as American Thanksgiving, which is celebrated right here today. Thanksgiving.

If my memory serves me well, Ministry brought the Cabinet Paper (CP) pretty much to Caucus and Cabinet from July 12th to September 12th. Not long after, it went for legal drafting, to the Ministry to review to prepare a Cabinet Paper and then came back for approval. I deliberately did that, Mr. Speaker, so that you can see that there is a process and these things take time; but here we are today, given the timeline, and we're able to vote in support of something that can have a huge impact on the lives of our Caymanians.

Mr. Speaker, the pain of the cost of living crisis that we in these Islands have been experiencing, which has worsened since the onset of COVID, is well known, and has been felt by everyone in our society. As Parliamentarians, we see and hear the struggles every day. We get the calls, we get the texts, we get those persons visiting our homes, our offices. We know what it's like. People who are struggling on a daily basis to make ends meet, trying to secure jobs, fear of where they are working closing down. To keep the lights on, to keep food in their homes, no longer being able to see those fridges stocked.

We know that for years, a large percentage of Caymanians have had hard choices to make every month. It appears we're doing that pretty much as a norm now every month. Which bill to pay, which one could we put off for a few more weeks? We know that the single largest expense that Caymanians face right now is the cost of housing. I don't even know if we can say you're lucky if you are in a position to say you're paying a mortgage.

I have online banking and I cringe every time I go to that landing page and see the balance of my mortgage, knowing where I started from and where I am today [after] paying that for years; and there's one little thing that the banks have called compound interest. I don't even think many of our people even understand what's happening. Sometimes the fees— what they call compound interest— are even more than the monthly payment you have to make. We cannot be in an elected position, Mr. Speaker, to have the opportunity to make one step through this vehicle for right now, to be able to have more funds in Caymanian's hands so that disposable income gives a relief; so that now they can

honestly either catch up with their house insurance or be able to catch back up and have some normalcy in maintaining those utility bills.

We see it every day, Mr. Speaker, we need to be in these positions and understand that we're not this dictatorship style, that's not who we are. If we're going to live in our society together, we have to be able to come to an even playing field, meet around the table with these financial institutions and have the real talks because two things are going to happen. You're going to have more people who are displaced and unable to have their homes. It may be okay to say, *yeah, we're going to foreclose on them and you're going to have somebody else come in and buy it off of them*, but what is that going to do to our island that it appears everyone from around the globe wants to come here and be with us while our Caymanians are struggling? We are elected to do our jobs. We are elected to do exactly what we're doing here today. We should be in a position to go down in history and say, that in the time where the world was in turmoil, trying to keep afloat, we did *something* to make a difference. This is just one of those avenues.

As I alluded to earlier, the amendments proposed in this Bill are primarily designed for Caymanians to use their pension funds to help with their housing costs, but especially to lower their monthly payments. I'm hoping that we can do more public relations (PR) on this, given where the vote I'm seeing and I'm feeling will go today, that this will be supported. That those persons who can make these balloon payments to their existing mortgage, if not paying them off, they can direct into their principal and understand what it means— but it's a reciprocal exercise.

Those same financial institutions, as earlier alluded to by the Member for Bodden Town West, which I am sure have seen the change in patterns of persons who have probably never been late in their life, need to be able to work with those same customers. Persons who probably have never asked for a refinance, persons who have never asked for a delayed payment. I am sure those same financial institutions have seen some changes in the behaviours of their very own customers. What some of those same financial institutions are possibly not seeing, are the risks and sacrifices that some homeowners make every month, to ensure they can make that monthly payment. That some months they're doing without light unless they're assisted by their MPs or families, or ask for extensions through these utility providers, or they go, many times, Mr. Speaker, without food.

We have to do something to help our people, and this is the first step in bridging that gap, breaking down silos and taking collective responsibility if we're moving forward collectively as a jurisdiction, and it's going to take everyone to hold hands together, and we have an opportunity today to make that change. Any action that we, as a government can take, to help Caymanians lower their monthly mortgage payments or

help landlords keep rent lower for renters is something we must be willing to take, but there is one caution, Mr. Speaker. As leaders, as representatives of the people, we should not encourage or facilitate Caymanians to take what little they have saved for their retirement and allow them to spend it as well, willy-nilly.

I am appealing to every landlord who is hearing the sound of my voice today, that once this facility is made available that you do the right thing and pass some of these savings on to your tenants, because at the end of the day, we are all in this together. I am hoping and praying that they will see it in their good conscience, Mr. Speaker, to really, really assist. Whether it is five or 10 per cent reduction, every little bit helps to lower the cost of living across the board, and I offer my support for this Bill as long as it is focused on reducing monthly expenses or helping Caymanians purchase property. Like I said, it would be irresponsible of us to allow pension funds to be withdrawn for anything other than to help pay off or lower bank mortgage payments, or even to get on that ownership ladder, owning your first property.

In closing, Mr. Speaker, all of us in this honourable House have a responsibility to carefully examine where we are with pensions as a country, both in the private and public sector, and stop kicking the proverbial can down the road; and I see, it is one thing both sides agree on today. Our population is getting older. We're seeing the statistics, we're hearing it every day, and the average person who worked their entire life in the private sector is going to find it nearly impossible to live off of their pensions. The Civil Service Pension is not properly funded, and I can say that with confidence, as it was said last year in this honourable House by the Financial Secretary. It's a reality.

If we are truly putting people first, Mr. Speaker, then we need to deal with today's problems and look ahead two, three, five years and start to prepare for the eventualities as well. We are responsible to help fix this, and I hope we will take that responsibility seriously.

Thank you for allowing me this opportunity.

[Desk thumping]

The Speaker: Thank you, Honourable Minister of Health & Wellness and Home Affairs.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

If not, I call upon the Minister of Labour to exercise his right of reply.

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

Mr. Speaker, I first want to thank all Members who gave contribution on the National Pensions (Amendment) Bill, 2023. I note the Member for Bodden Town West's comments in terms of how much salary it takes to retire— ten years to save one year.

Mr. Speaker, I didn't hear anyone mention, or maybe I missed it, in terms of the SAGCs with private pensions. There seems to have been some confusion as to who will and will not be able to, and I think the confusion comes in remembering what we did during the pandemic. The provisions at that time were that persons who were not out of a job could not pull from their pensions even if they were SAGCs and had private pensions; but in this instance, we want to be very clear that SAGCs and members who are working with SAGCs and who are contributing to their pension funds will be able to take advantage of this Amendment Bill, 2023, as long as it's a private pension.

Mr. Speaker, I like the new construct already in terms of the UPM; we are a government of keeping promises. I remember the honourable Member for Bodden Town West asking and begging, almost trying to pivot his vote, if it was considered having a Special Meeting to bring this back this week and it's here and I'm proud of the nineteen-cohort camaraderie. I am also pleased to say that as I thought, and as I grew up knowing, all nineteen of us here can always get into one room and disagree and not be disagreeable.

Mr. Speaker, I know what it means to not be able to afford the down payment. I know what it means sitting in front of that loan officer, you and your loved ones sitting down there crying because they tell you, you don't have enough down payment. I know what it feels like; I went through it. I also know— to the Member for West Bay West's point— about sleeping on the floor. I don't know how many years you did it, Member, but I can tell you I did it for over ten years.

[Inaudible interjection]

Hon. Dwayne S. Seymour: I used to have serious back pains growing up.

[Inaudible interjections]

Hon. Dwayne S. Seymour: I remember in those days when it was cold, we didn't have thick blankets—

Hon. W. McKeever Bush: *No, sah.*

Hon. Dwayne S. Seymour: —They were little sheets, and the draft coming through the holes in the flooring.

Hon. W. McKeever Bush: That's right.

Hon. Dwayne S. Seymour: I know what that feels like. That's the reason I put myself up for office, to ensure that Cayman benefits Caymanians. Too many times it seems that, and you hear the people talk about it all the time, people come here and live better than them. We need to turn that in the next direction. We need to start clawing back on that, Mr. Speaker, and try to find a way for Caymanians to feel like they're achieving in their

own land. This is not being done for political gain. This is about addressing our people's pain.

Retirement, Mr. Speaker, is an end game goal for most investors. Yes, we get it. No one wants to end up broke in their retirement, and very few want to live on a pittance while struggling through what should be your golden years.

I don't want to scare anyone, Mr. Speaker, but we need to be honest with our people so they can have an idea of what's going on, and what is expected of them. As the Member for Bodden Town West alluded to earlier, to retire you need ten to twelve times your annual income at retirement age. If you retire at 67 for instance, and your income is a grand \$150,000 per annum, then you should have \$1.5 to \$1.8 million set aside for retirement.

[Inaudible interjection]

Hon. Dwayne S. Seymour: Yes.

Mr. Speaker, these are tough times and as the Member for Prospect said earlier, talking about the banks, I think all banks including Cayman Islands Development Bank (CIDB) should hold off all foreclosures—

[Desk thumping]

Hon. Dwayne S. Seymour: —Offer refinancing arrangements, and forbearance agreements; those who can't get such agreements, will have to access your pension funds.

I thank the Member for Bodden Town West and the Member for West Bay West for having the vision to bring this Motion forward and also, previously, the Member for George Town Central.

Mr. Speaker, it is my intention to bring further amendments and seek your approval to waive the two-day notice.

Members of this honourable House, I thank you so much for your contribution. In all I heard, it appears that everyone is in support, though cautious. I again want to thank the Ministry team, for all the hard work they have done, and the director of the Department of Labour & Pensions (DLP), Mr. Bennard Ebanks.

Mr. Speaker, this was a decision that was not taken lightly. The Members of Caucus mulled this. We knew the possible effects could happen, and I implore all Members: let's get together and come up with ideas, it doesn't matter from which side, for how we can protect or make provisions for what we know will be a delta— especially for persons who are over 50— in their pensions when they retire.

We are elected, they depend on us to come up with ideas to help them. I'm saying to you, we need to explore getting that fund, an additional fund for retirement, because we're going to have much

embarrassment and high costs. You're *gonna* need about five NAUs if we don't get this right.

Mr. Speaker, I thank you for this time. God bless these Cayman Islands.

[Desk thumping]

The Speaker: Thank you, Honourable Minister of Labour.

The question is that a Bill shortly entitled National Pensions (Amendment) Bill, 2023 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The National Pensions (Amendment) Bill, 2023 was given a second reading.

[Long Pause]

Suspension of Standing Order 10(2)

The Speaker: Madam Premier, may I invite you to move suspension of Standing Order 10(2) in order that the business of the House may continue beyond the moment of interruption?

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

Mr. Speaker, I move that Standing Order 10(2) be hereby suspended to allow the House to continue beyond the hour of interruption in order to complete the business of today.

The Speaker: The question is that Standing Order 10(2) be suspended in order that the business of the House may continue beyond the moment of interruption. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

COMMITTEE ON BILLS

The Speaker: The House will now go into Committee.

House in Committee at 4:26 p.m.

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

With the leave of the House, may I assume that as usual, we should authorise the Honourable Attorney General to correct minor errors and such the like in these Bills?

Would the Clerk please state the Bill and read the clauses.

**Beneficial Ownership
Transparency Bill, 2023**

The Clerk:

Clause 1 Short title and commencement
Clause 2 Interpretation
Clause 3 Meaning of legal person

The Chairman: Are there any questions on clauses 1 to 3? If not, I will put the question.

The question is that clauses 1 to 3 stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 3 passed.

Amendment to Clause 4

The Clerk:

Clause 4 Meaning of beneficial owner

The Chairman: Are there any questions with respect to clause 4?

The Minister of Financial Services.

Hon André M. Ebanks, Deputy Premier: Mr. Chair, in accordance with the provisions of Standing Order 52(1) and (2), I the Hon André Ebanks, Deputy Premier and Minister responsible for Financial Services give notice to move the following amendments to clause 4 in the Beneficial Ownership Transparency Bill, 2023.

The Chairman: Minister, may I ask if all Members have copies of the proposed amendments.

Hon André M. Ebanks, Deputy Premier: As far as I know, Mr. Chair.

The Chairman: For the record, I waived the usual two-day notice earlier.

Please proceed, Minister.

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

I move that the Bill be amended in clause 4 as follows:

- (a) in subclause (1)(c), by deleting the words “, including as a senior managing official, where there is no individual who exerts control pursuant to paragraph (a) or (b)”;
- (b) in subclause (3), by deleting paragraph (b) and substituting the following paragraph —

“(b) the trustees of a trust meet one of the specified conditions under subsection (1) in relation to the legal person,”; and

(c) by inserting after subclause (3) the following subclause —

“(3A) Where there is no individual who meets the definition of a beneficial owner pursuant to subsection (1) or (3), the senior managing official shall be identified as the contact person.”.

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto? If not, may I ask all those in favour of the amendment to say, Aye. Those against, No.

The question is that the amendments stand part of the clause. Those in favour, those against.

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: Minister, do you wish to speak to the Clause as amended?

Hon André M. Ebanks, Deputy Premier: Just very briefly for the record, Mr. Chair.

Under the latest promulgation of the FATF standards, a senior managing official is not considered to be a beneficial owner in his or her own right, and should not be included in the definition, hence the deletion. On the other hand, the amendment is to clarify that trusts are not in and of themselves as an entity, a beneficial owner, but rather it is the trustees as the so-called operators who are the beneficial owner.

The Chairman: Thank you, Minister.

The question is that clause 4 as amended stand part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 4 as amended passed.

The Clerk:

Clause 5 Competent Authority

The Chairman: Are there any questions with respect to clause 5? If not I will put the question, all those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 5 passed.

The Clerk: Clause 6 Duty of legal persons to identify beneficial owners, et cetera.

The Chairman: I have received notice of a Committee stage amendment with respect to clause 6. Would the Honourable Minister wish to move the amendment?

Amendment to Clause 6

Hon André M. Ebanks, Deputy Premier: Yes, Mr. Chair, in accordance with Standing Order 52(1) and (2). I, the Honourable André Ebanks, Deputy Premier and Minister responsible for Financial Services do give notice to amend the Bill in clause 6 as follows:

- (a) by deleting the clause heading and substituting the following clause heading: **"Duty of legal persons to identify registrable beneficial owners, etc.";**
- (b) by deleting subclause (2) and substituting the following subclause —
 - "(2) A legal person under section 12(1)(e) shall identify —
 - (a) every individual that is a beneficial owner of the legal person;
 - (b) every reportable legal entity; and
 - (c) the trustees of a trust referred to in section 4(3).";
- (c) by deleting subclause (3) and substituting the following subclause —
 - "(3) A legal person under section 12(1)(e) shall provide in writing to its corporate services provider the current and valid required particulars of registrable beneficial owners in respect of that legal person."; and
- (d) by renumbering subclause (4) as subclause (5) and inserting before subclause (5) as renumbered the following subclause —
 - "(4) A legal person under section 12(1)(e) shall inform its corporate services provider in writing as soon as the required particulars have been confirmed.".

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: Does anyone wish to speak on the clause as amended? Honourable Minister.

Hon André M. Ebanks, Deputy Premier: Thank you Mr. Chair. By way of short explanation, the amendment is to:

- Clarify the words 'registrable beneficial owner' in the heading, which is missing now, to be sure that we are keeping in consistency of the drafting, that it is what's being referred to in clause 6;
- As said in the prior amendment, to confirm that trustees can be identified as beneficial owners; and, lastly,
- In relation to sub clauses (4) and (5), it is just a recommendation by legislative drafting that rearranging the clause would make it easier for reading and interpretation.

The Chairman: Does any other Member wish to speak to the amended clause?

If not, the question is that clause 6 as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 6 as amended passed.

The Clerk:

Clause 7	Registrable beneficial owner
Clause 8	Duty to give notice to register beneficial owners
Clause 9	Duty of beneficial owners to supply information
Clause 10	Exemption

The Chairman: The question is that clauses 7 to 10 stand part of the Bill. Are there any questions with respect for clauses 7 to 10? If not, I will put the question.

The question is that clauses 7 to 10 stand part of the Bill. Those in favour, please say aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 7 to 10 passed.

The Clerk:

Clause 11	Corporate services providers to review particulars.
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The Chairman: I have received notice of Committee Stage Amendments from the Honourable Minister who has conduct of the Bill. Does the Honourable Minister wish to speak to the amendment?

Amendment to Clause 11

Hon André M. Ebanks, Deputy Premier: Thank you, Mr. Chair, just to move the amendment formally in accordance with the provision of Standing Order 52(1) and (2) I, the Honourable André Ebanks, Deputy Premier and Minister responsible for Financial Services, move that the Bill be amended in clause 11(1)(a) by deleting the words “under section 6(1)” and substituting the words “under section 6”.

The Chairman: Does the Minister wish to speak to the Amendment?

Hon André M. Ebanks, Deputy Premier: Very briefly, Mr. Chair. It is just a clarification to ensure that in this clause, all of section 6 is being referred and referenced to, and not just section 6(1).

The Chairman: Does any Member wish to speak to the amendment to clause 11?

If no Member wishes to speak, I will put the question. 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: The Amendment passed.

The Clerk:

Clause 12 Required particulars and written confirmation required for categories of legal persons.

The Chairman: I invite the Honourable Minister to move the amendment.

Amendment to Clause 12

Hon André M. Ebanks, Deputy Premier: Thank you, Mr. Chair. In accordance with Standing Order 52(1) and (2), I the Honourable André Ebanks, Deputy Premier and Minister responsible for Financial Services, move that the Bill be amended in clause 12 by deleting sub-clause (10).

The Chairman: The amendment has been duly moved. Does the Minister wish to speak thereto?

Hon André M. Ebanks, Deputy Premier: Yes, Mr. Chair. By way of a short explanation, this is a result of

consultation between industry professionals and the Ministry.

There is a concept at the moment, where if there has been no beneficial owner identified, a filing consists of a nil return— that there is no beneficial owner; but the industry professionals in the Ministry have said that there must have been a human being who organised and had charge of the entity, so the concept of nil return should not exist. That there must be some entity that is incorporated and completed on the return as having charge as the beneficial owner.

The Chairman: Thank you, Minister. Does any other Member wish to speak to the amendment?

If not, I will put the question. The question is that clause 11 as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 12 as amended passed.

The Clerk:

Clause 13	Duty to establish and maintain register
Clause 14	Duty to keep register current
Clause 15	Duty to notify relevant changes
Clause 16	Retention on the register
Clause 17	Power of the Grand Court to rectify beneficial ownership register

[Pause]

The Chairman: The question is that clauses 13 to 17 stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 13 to 17 passed.

The Clerk:

Clause 18	Consequences of failing to disclose beneficial ownership
Clause 19	Issue of restrictions notice by corporate service provider
Clause 20	Effect of restrictions notice
Clause 21	Applications to the Grand Court

The Chairman: The question is that clauses 18 to 21 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 18 to 21 passed.

The Clerk:

- Clause 22 Access to beneficial ownership information
- Clause 23 No disclosure of information

The Chairman: The question is that clauses 22 and 23 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 22 and 23 passed.

The Clerk:

- Clause 24 Competent authority or the Registrar may request information
- Clause 25 Duty of the corporate services provider to forward correspondence
- Clause 26 Administrative fines
- Clause 27 Criminal penalties

The Chairman: The question is that clauses 24 to 27 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 24 to 27 passed.

The Clerk:

- Clause 28 Competent authority may issue guidance
- Clause 29 Registrar's rule-making power

The Chairman: The question is that clauses 28 and 29 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 28 and 29 passed.

The Clerk:

- Clause 30 Regulations

The Chairman: I have received notice from the Honourable Minister of a proposed amendment to clause 30.

Amendment to Clause 30

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

In accordance with the provision of Standing Order 52(1) and (2). I, the Honourable André Ebanks, Deputy Premier and Minister for Financial Services, move that the Bill be amended in clause 30 as follows:

- (a) by inserting after paragraph (f) the following paragraph —

“(fa) prescribing fees —

- (i) for the applications under paragraph (f), including fees for the filing of documents in support of an application;
- (ii) for access to the information on the search platform under section 22(3); and
- (iii) for the provision of administrative services by the competent authority or the Registrar;”;

- (b) in paragraph (i), by deleting the word “Registrar” and substituting the words “competent authority”; and

- (c) in paragraph (n), by deleting the word “Registrar” and substituting the words “competent authority”.

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

Hon André M. Ebanks, Deputy Premier: Very briefly, Mr. Chair.

The first moved amendment is just to confirm, for the avoidance of doubt, that the Cabinet has the power to prescribe fees in relation to those matters. After consultation, it was deemed that for this particular clause, the more suitable authority is the competent authority rather than the Registrar.

The Chairman: Thank you, Honourable Minister. Does any other Member wish to speak to the amendment?

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to Clause 30 passed.

The Chairman: The question is that the clause as amended 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 30, as amended passed.

The Clerk: Clause 31 Amendments by order

The Chairman: I have received notice from the Honourable Minister of a proposed amendment to clause 31. Minister?

Amendment to Clause 31

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

In accordance with the provision of Standing Order 52(1) and (2). I, the Honourable André Ebanks, Deputy Premier and Minister responsible for Financial Services, move that the Bill be amended in clause 31(b) by deleting the words “adding” and “deleting” and substituting the words “add” and “delete” respectively.

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

Hon André M. Ebanks, Deputy Premier: Very briefly. It is a minor typographical error that is being corrected.

The Chairman: Thank you, Honourable Minister. Does any other Member wish to speak to the amendment?

If not, I will put the question that the clause, as amended, 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 31 as amended, passed.

The Clerk:

Clause 32 Protection of civil servants from liability

Clause 33 Conflict

Clause 34 Agreements regarding sharing of information

Clause 35 Savings and transitional

The Chairman: The question is that clauses 32 to 35 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 32 to 35 passed.

The Clerk: A Bill for an Act to provide for the consolidation and enhancement of the beneficial ownership legislative framework in the Islands; 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: 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.

The Chairman: The Bill will accordingly be reported to the House.

Banks and Trust Companies (Amendment) Bill, 2023

The Clerk:

Clause 1 Short title and commencement

Clause 2 Amendment of Section 13 of the Banks and Trust Companies Act (2021 Revision) - obligations of auditors

Clause 3 Amendment of Section 18 - additional powers of Authority

Clause 4 Amendment of Section 22 - power of search

The Chairman: The question is that clauses 1 to 4 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 4 passed.

The Clerk: A Bill for an Act to amend the Banks and Trust Companies Act (2021 Revision) to include references to the beneficial ownership regime; 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: 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.

Companies (Amendment) Bill, 2023

The Clerk:

- Clause 1 Short title and commencement
- Clause 2 Repeal of Section 80D of the Companies Act (2023 Revision) – exempt from Part XVIIIA
- Clause 3 Amendment of Section 156A – striking off for failure to pay fine
- Clause 4 Repeal of parts XVIIIA and XVIIIB – Beneficial Ownership Registers; administrative fines
- Clause 5 Amendment of section 282 –Amendment of schedules
- Clause 6 Repeal of Schedules 6 and 7 – countries or territories that have entered, etc.; administrative fines

The Chairman: The question is that clauses 1 to 6 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 6 passed.

The Clerk: A Bill for an Act to amend the Companies Act (2023 Revision) to remove provisions relating to the beneficial ownership regime; 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 now 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.

Companies Management (Amendment) (No. 2) Bill, 2023

The Clerk:

- Clause 1 Short title and commencement
- Clause 2 Amendment of section 3 of the Companies Management Act (2021 Revision) - definition of “business of company management”
- Clause 3 Amendment of section 18 - additional powers of Authority
- Clause 4 Amendment of section 19 - power of search

The Chairman: The question is that clauses 1 to 4 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 4 passed.

The Clerk: A Bill for an Act to amend the Companies Management Act, (2021 Revision) to include references to the Beneficial Ownership Transparency Act, 2023; 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 now 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.

Foundation Companies (Amendment) Bill, 2023

The Clerk:

- Clause 1 Short title and commencement
- Clause 2 Amendment of Section 3 of the Foundation Companies Act, 2017 - application of Acts.

The Chairman: The question is that clauses 1 and 2 do form part of the Bill. Those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.
Agreed: Clauses 1 and 2 passed.

The Clerk: A Bill for an Act to amend the Foundation Companies Act, 2017 to provide for the application of the Beneficial Ownership Transparency Act, 2023 to a foundation company under the Foundation Companies Act, 2017; 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 now 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.

**Insurance (Amendment)
No. 2) Bill, 2023**

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of Section 20 of the Insurance Act, 2010 - duties of auditor
Clause 3	Amendment of Section 21 - insurance managers
Clause 4	Amendment of Section 24 - powers of the Authority.

The Chairman: The question is that clauses 1 to 4 do stand part of the Bill. Those in favour please say Aye, those against no.

AYES.

The Chairman: The Ayes have it.
Agreed: Clauses 1 to 4 passed.

The Clerk: A Bill for an Act to amend the Insurance Act, 2010 to include references to the beneficial ownership regime; 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 now 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.

**Limited Liability Companies
(Amendment) Bill, 2023**

The Clerk:

Clause 1	Short title and commencement
Clause 2	Repeal of parts 10A and 12 of the Limited Liability Companies Act (2023 Revision) - administrative fines; Beneficial Ownership Registers - Preliminary
Clause 3	Repeal of the Schedule of the Limited Liability Companies Act (2023 Revision) - administrative fines.

The Chairman: The question is that clauses 1 to 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 to 3 passed.

The Clerk: A Bill for an Act to amend the Limited Liability Companies Act (2023 Revision) to repeal provisions relating to the beneficial ownership regime; 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 now 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.

**Limited Liability Partnership
(Amendment) Bill, 2023**

The Clerk:

- Clause 1 Short title and commencement
 Clause 2 Amendment of section 31 of the Limited Liability Partnership Act, (2023 Revision) - strike off
 Clause 3 Repeal of parts 8, 9 and the Schedule - Beneficial Ownership Registers; administrative fines, etc.

The Chairman: The question is that clauses 1 to 3 do form part of the Bill, those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 3 passed.

The Clerk: A Bill for an Act to amend the Limited Liability Partnership Act (2023 Revision) to repeal to repeal provisions relating to the beneficial ownership regime; 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 now is that the Bill be reported to the House. All those in favour please say Aye, those against, no. Yeah,

AYES.

The Chairman: The Ayes have it.

Agreed: Bill to be reported to the House.

Mutual Funds (Amendment) Bill, 2023

The Clerk:

- Clause 1 Short title and commencement
 Clause 2 Amendment of Section 31 of the Mutual Funds Act (2021 Revision) - powers of Authority in respect of licensed mutual fund administrators
 Clause 3 Amendment of Section 33 - powers of Authority, etc., to search in accordance with search warrant
 Clause 4 Amendment of Section 35 - obligation of auditors.

The Chairman: The question is that clauses 1 to 4 do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 4 passed.

The Clerk: A Bill for an Act to amend the Mutual Funds Act (2021 Revision) to include references to the beneficial ownership regime; 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 now 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.

Virtual Asset (Service Providers) (Amendment) No. 2) Bill, 2023

The Clerk:

- Clause one Short title and commencement
 Clause two Amendment of Section 25 of the Virtual Asset Service Providers Act (2022 Revision) - enforcement powers of the Authority
 Clause three Amendment of Section 32 - duty of auditor
 Clause four Amendment of Section 33 - entry and search of premises.

The Chairman: The question is that clauses 1 to 4 do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 to 4 passed.

The Clerk: A Bill for an Act to amend the Virtual Asset Service Providers Act (2022 Revision) to update references relating to the beneficial ownership regime; 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 now 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.

The Chairman: Honourable Members, I wish to take a short suspension of about 15 minutes. If Members could not wander too far away, I believe we can complete the business of the House fairly swiftly thereafter. The committee is suspended for 15 minutes.

Committee suspended at 5:10pm

Committee resumed at 5.40 p.m.

The Chairman: The Committee will resume.

**National Pensions
(Amendment) Bill, 2023**

The Clerk:

Clause 1 Short title and commencement

The Chairman: The question is that clause 1 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Amendment of section 47 - contribution rate

The Chairman: I have received notice from the Honourable Minister of the proposed amendment of clause 2. I invite the Minister to move the Amendment.

Amendment to Clause 2

Hon. Dwayne S. Seymour: Mr. Chair, in accordance with the provisions of Standing Order 52(1) and (2) I, the Hon. Dwayne Seymour, the Minister responsible for Border Control and Labour give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended by deleting clause 2 and substituting the following clauses:

“Amendment of section 3 of the National Pensions Act (2012 Revision) - definitions

2. The National Pensions Act (2012 Revision), in this Act referred to as the “principal Act”, is amended in section 3 by inserting after the definition of the word “Minister” the following definition—

“ “mortgage” has the same meaning assigned to the word “charge” under the Registered Land Act (2018 Revision)”.

Amendment of section 47 - contribution rate

2A. The principal Act is amended in section 47(10) by repealing paragraph (c) and substituting the following paragraph—

“(c) for housing purposes including—

- (i) the purchase or construction of the member’s dwelling house;
- (ii) the purchase of residential land for the member;
- (iii) providing a reduction payment—
 - (A) on an existing residential mortgage, and if applicable, any arrears in strata fees related to the mortgaged property; or
 - (B) on a residential land loan; or
- (iv) payment of the outstanding balance of the member’s mortgage in full and, if applicable, any arrears in strata fees related to the mortgaged property, but excluding the payment of rent or similar purposes; and;”.

The Chairman: The Amendment is duly moved. Does the Minister wish to speak thereto?

Hon. Dwayne S. Seymour: No need to, Mr. Chair.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: The question now is that the amended clause 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 2 as amended, passed.

The Clerk:

Clause 3 Amendment of Part VIIA - withdrawal of pension funds to purchase or construct dwelling unit, purchase residential land or pay off an existing mortgage in the Islands

The Chairman: I have received notice of a proposed amendment to clause 3 of the Bill. I would invite the Honourable Minister responsible to move the Amendment.

Amendment to Clause 3

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Hon. Dwayne Seymour, the Minister responsible for Border Control and Labour, give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended by deleting clause 3 and substituting the following clause:

“Repeal and substitution of Part heading for Part VIIA - withdrawal of pension funds to purchase or construct dwelling unit, purchase residential land or pay off an existing mortgage in the Islands

The principal Act is amended in Part VIIA by repealing the Part heading and substituting the following Part heading—

“Part VIIA - Withdrawal of pension funds to purchase or construct dwelling unit, purchase residential land, provide reduction payment on residential land loan or existing mortgage, and if applicable, arrears in strata fees, or pay off existing mortgage, and if applicable, arrears in strata fees, in the Islands”.

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

Hon. Dwayne S. Seymour: Not at this time, Mr. Chair.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: The question now is that the clause, as amended, 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 3, as amended, passed.

The Clerk:

Clause 4 Amendment of section 52A - definitions in Part VIIA

The Chairman: I have received notice that the Honourable Minister proposes an amendment to clause 4 of the Bill. I invite the Honourable Minister to move the Amendment.

Amendment to Clause 4

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Hon. Dwayne Seymour, the Minister responsible for Border Control and Labour give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended in clause 4 as follows—

- (a) In paragraph (b), by deleting subparagraph (iii) and substituting the following subparagraph—
 - (iii) by inserting after the definition of the words “non-current homeowner” the following definition—
 - “reduction payment” means a payment towards—
 - (a) a residential mortgage, and if applicable, arrears in strata fees related to the mortgaged property; or
 - (b) a residential land loan; and”; and”; and
- (b) by deleting paragraph (c) and substituting the following paragraph—
 - “(c) by inserting after subsection (1) as renumbered the following subsection—
 - (2) For the purposes of the definition of the words “reduction payment”, payment towards a residential mortgage and if applicable arrears in strata fees related to the mortgaged property or payments towards a

residential land loan applies to—

- (a) in respect of a residential mortgage or residential land loan which is in foreclosure, both the principal and interest arrears on the mortgage or land loan;
- (b) in respect of a residential mortgage or residential land loan which is in good standing with the financial institution that granted it, the principal on the mortgage or land loan; or
- (c) in respect of a residential mortgage where they are arrears in strata fees related to the mortgaged property—
 - (i) where the residential mortgage is in foreclosure, the principal and interest arrears on the mortgage and the arrears in strata fees related to the mortgaged property; and
 - (ii) where the residential mortgage is in good standing with the financial institution that granted it, the principal on the mortgage and the arrears in strata fees related to the mortgaged property.

The Chairman: The Amendment has been duly moved. Does the Mover wish to speak to it?

Hon. Dwayne S. Seymour: Not at this time, Mr. Chair.

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

If not, the question is that the Amendment do form part of the clause. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.
Agreed: The Amendment passed.

The Chairman: The question now is that the clause as amended do form 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 Amendment of section 52B - withdrawal of amount from pension account as a deposit

The Chairman: I have received notice that the Honourable Minister proposes an amendment to clause 5. I now invite him to move it.

Amendment to Clause 5

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Hon. Dwayne Seymour, the Minister of Border Control and Labour give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended in clause 5 as follows—

- (a) in paragraph (c)(ii), in proposed paragraph (d), by deleting the words “52BA(10), 52(C)(9)” and substituting the words “52BA(12), 52C(9)”; and
- (b) in paragraph (h), by deleting subparagraph (ii) and substituting the following subparagraph—
 - (ii) by deleting the words “attaining the normal age of pension entitlement” and substituting the words “repaying the withdrawal amount in full”; and”.

The Chairman: The Amendment has been duly moved. Does the Minister wish to speak thereto?

Hon. Dwayne S. Seymour: Not at this time, sir.

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

If not, 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: The Amendment passed.

The Chairman: The question now is that the clause, 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 5, as amended, passed.**The Clerk:**

Clause 6 Insertion of Section 52BA - withdrawal from pension account to provide reduction payment on existing mortgage or residential land loan

The Chairman: I have received notice that the Honourable Minister proposes an Amendment to clause 6, and I now invite him to move it.

Amendment to Clause 6

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Hon. Dwayne Seymour, the Minister of Border Control and Labour give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended by deleting clause 6 and substituting the following clause—

“Insertion of section 52BA - withdrawal from pension account to provide reduction payment on existing mortgage and, if applicable, arrears in strata fees, or residential land loan

6. The principal Act is amended by inserting, after section 56B, the following section —

“Withdrawal of amount from pension account to provide a reduction payment on an existing mortgage and, if applicable, arrears in strata fees, or residential land loan

52BA. (1) Notwithstanding sections 55 and 56 but subject to the remaining provisions of this section, a person who is a Caymanian may withdraw from the person’s account in a pension plan an amount not exceeding fifty thousand dollars required to provide a reduction payment on —

- (a) an existing mortgage on no more than two dwelling units in the Islands;
 - (b) where there is an existing mortgage on no more than two dwelling units in the Islands, the existing mortgage and any arrears in strata fees related to the mortgaged property; or
 - (c) a residential land loan in the Islands.
- (2) A person who wishes to withdraw an amount required to provide a reduction payment pursuant to subsection (1) shall, subject to subsection (3), make an application to the relevant administrator in the form prescribed in the Schedule.

(3) An application under subsection (2) shall be accompanied by —

- (a) evidence that the person is a Caymanian;
- (b) evidence that the applicant has legal title to the respective dwelling unit or residential land;
- (c) if applicable, a declaration in the form prescribed in Part B of the Schedule that the dwelling unit referred to in paragraph (b) is intended to serve as the primary residence of the applicant;
- (d) if applicable, a copy of a letter issued by or on behalf of the relevant corporation addressed to the person making the application (whether or not solely to that person) certifying the matters set out in section 6(4) of the Strata Titles Registration Act (2013 Revision);”;
- (e) a copy of a letter issued by the financial institution holding the mortgage or residential land loan, addressed to the person making the application (whether or not solely to that person), showing approval in principle for providing a reduction payment on —
 - (i) the existing mortgage in respect of no more than two dwelling units and the amount to be paid;
 - (ii) the existing mortgage in respect of no more than two dwelling units, any arrears in strata fees related to the mortgaged property and the amount to be paid; or
 - (iii) a residential land loan and the amount to be paid;
- (f) where the person has made a previous withdrawal under this Part, evidence that the member has complied with sections 52B(10), 52BA(12), 52C(9) and 52D(1), if applicable; and
- (g) if required by the administrator, an application fee not exceeding fifty dollars.

(4) The letter referred to in subsection (3)(e)(i) and (iii) shall specify —

- (a) the name of each person that applied for the withdrawal;
- (b) the relevant block and parcel number of the relevant property to which the withdrawal relates; and

- (c) the specific sources of funding for the reduction payment, including each amount and specific pension plan from which the respective withdrawal will be taken.
- (5) The letter referred to in subsection (3)(e)(ii) shall —
 - (a) specify the matters set out in subsection (4);
 - (b) provide confirmation that the arrears in strata fees is for the member's primary residence which shall contain no more than two dwelling units; and
 - (c) have annexed to it a copy of the letter referred to in subsection (3)(d).
- (6) Two or more persons who are Caymanians and who are approved in principle by a financial institution may, in accordance with this section, withdraw the amount required from their respective accounts in a pension plan up to the maximum of fifty thousand dollars each, towards providing a reduction payment on —
 - (a) an existing mortgage [on the respective person's primary residence];
 - (b) where there is an existing mortgage on the respective person's primary residence and arrears in strata fees in respect of the primary residence, both the mortgage and the arrears in strata fees; or
 - (c) a residential land-loan.
- (7) Where a person withdraws an amount from the person's account in a pension plan pursuant to subsection (1)(b), the person shall pay the part of the amount allocated to paying off the arrears in strata fees through a financial institution.
- (8) Where an application is made under subsection (2), the administrator —
 - (a) shall, within sixty days of the application being submitted, issue the amount required to be paid towards the existing mortgage, and, if applicable, the arrears in strata fees related to the mortgaged property, or residential land loan in the form of a cheque payable to the relevant financial institution and deliver it to the applicant if satisfied that the applicant is entitled under subsection (1) to withdraw the amount applied for; or
 - (b) may, if not satisfied that all the requirements under subsection (3) have been correctly provided by the applicant, refuse the application and shall, within seven days of the application being submitted, give reasons for the refusal to the applicant, by letter in writing.
- (9) An administrator who contravenes subsection (8) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both; and if the offence is a continuing one to a fine of one thousand dollars for every day or part of a day during which the offence has continued.
- (10) An administrator shall provide to the Director monthly —
 - (a) a list of all persons who have withdrawn amounts from their respective accounts in a pension plan under this section, stating each amount withdrawn;
 - (b) a list of all persons who applied for a withdrawal under this section;
 - (c) a list of all persons that are repaying withdrawn amounts into their respective accounts in a pension plan under this section;
 - (c) a copy of each letter to persons stating the reason for refusal under subsection (8)(b);
 - (d) in the form approved by the Director, a report with respect to each person who has withdrawn an amount from the person's account in a pension plan under this section; and
 - (e) a list of all persons that are repaying withdrawn amounts into their respective accounts in a pension plan under this section.
- (11) An administrator who contravenes subsection (10) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.
- (12) Subject to subsection (13), where, before repaying the withdrawal amount in full, a person sells the dwelling unit in respect of which a reduction payment has been applied through the use of an amount withdrawn pursuant to this section, the person shall upon completion of the sale return the amount withdrawn or ten per cent of the fair market value of the dwelling unit, whichever is greater, back to the person's pension plan account.
- (13) The payments received by an administrator under section 52D shall be deducted from the amount that the member is required to repay under subsection (12).

- (14) A person who contravenes subsection (12) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.
- (15) For the purposes of this section, a person may apply for a reduction payment on an existing mortgage only where the mortgage applies to the primary residence of the person and the residence contains no more than two dwelling units.”.

The Chairman: Minister Seymour, you sure you reached the end?

[Laughter]

The Chairman: The Amendment has been duly moved. Does the Minister wish to speak further to it?

Hon. Dwayne S. Seymour: No, I'd rather pause.

[Laughter]

The Chairman: The question is that the Amendment stand part of the Clause, those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: The question now is that the Clause as amended, do stand part of the Bill. Those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 6, as amended, passed.

The Clerk:

Clause 7 Amendment of Section 52C -withdrawal of account from pension amount to pay off an existing mortgage.

The Chairman: I have received notice of a proposed Amendment to Clause seven from the Honourable Minister. I now invite the Minister to move the Amendment.

Amendment to Clause 7

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

In accordance with the provisions of Standing Order 52 (1) and (2) I, the Honourable Dwayne Seymour, the Minister responsible for Border Control and

Labour give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended by deleting clause 7 and substituting the following clause —

“Amendment of section 52C - withdrawal of amount from pension account to pay off an existing mortgage

7. The principal Act is amended in section 52C as follows —

(a) in the section heading by inserting after the word “mortgage” the words “and arrears in strata fees”;

(b) by repealing subsection (1) and substituting the following subsection —

“(1) Notwithstanding sections 55 and 56 but subject to the remaining provisions of this section, a person who is a Caymanian may withdraw from the person's account in a pension plan an amount not exceeding one hundred thousand dollars required to —

(a) pay off an existing mortgage on a dwelling unit in the Islands so that the dwelling unit is free from any encumbrance; or

(b) where there is an existing mortgage on a dwelling unit in the Islands, pay off the existing mortgage and any arrears in strata fees related to the mortgaged property.”;

(c) in subsection (2), by deleting the words “subsection (1)” and substituting the words “subsection (1)(a) or pay off an existing mortgage and pay off arrears in strata fees related to the mortgaged property pursuant to subsection (1)(b)”;

(d) in subsection (3) as follows —

(i) in paragraph (b), by deleting the word “and”;

(ii) by inserting after paragraph (b) the following paragraph —

“(ba) if applicable, a copy of a letter issued by or on behalf of the relevant corporation addressed to the person making the application (whether or not solely to that person) certifying the matters set out

- in section 6(4) of the *Strata Titles Registration Act (2013 Revision)*.”;
- (iii) by repealing paragraph (c) and substituting the following paragraphs —
- “(c) a copy of a letter issued by the financial institution holding the mortgage, addressed to the person making the application (whether or not solely to that person), showing approval in principle —
- (i) for paying off the existing mortgage and the amount to be paid off; or
- (ii) for paying off the existing mortgage and any arrears in strata fees related to the mortgaged property, and the amount to be paid off;
- (d) where the person has made a previous withdrawal under this Part, evidence that the member has complied with sections 52B(10), 52BA(12), 52C(9) and 52D(1), if applicable; and
- (e) if required by the administrator, an application fee not exceeding fifty dollars.”;
- (e) by inserting after subsection (3) the following subsections —
- “(3A) The letter referred to in subsection (3)(c)(i) shall specify —
- (a) the name of each person that applied for the withdrawal;
- (b) the relevant block and parcel number of the relevant property to which the withdrawal relates;
- (c) the specific sources of funding for the purchase, including each amount and specific pension plan from which the respective withdrawal will be taken; and
- (d) confirmation that the mortgage is for the member’s primary residence which shall contain no more than two dwelling units.
- (3B) The letter referred to in subsection (3)(c)(ii) shall —
- (a) specify the matters set out in subsection (3A);
- (b) provide confirmation that the arrears in strata fees is for the member’s primary residence which shall contain no more than two dwelling units; and
- (c) have annexed to it a copy of the letter referred to in subsection (3)(ba).”;
- (f) by repealing subsection (4) and substituting the following subsections—
- “(4) Two or more persons who are Caymanians and who are approved in principle by a financial institution may, in accordance with this section, withdraw the amount required from their respective accounts in a pension plan up to the maximum of one hundred thousand dollars each, towards —
- (a) paying off an existing mortgage on the respective person’s primary residence; or
- (b) where there is an existing mortgage on the respective person’s primary residence and arrears in strata fees in respect of the primary residence, paying off both the mortgage and the arrears in strata fees.
- (4A) Where a person withdraws an amount from the person’s account in a pension plan pursuant to subsection (1)(b), the person shall pay the part of the amount allocated to paying off the arrears in strata fees through a financial institution.”;
- (g) in subsection (5)(a) as follows —
- (i) by deleting the words “forty-five days” and substituting the words “sixty days”; and

- (ii) by inserting after the word “mortgage” the words “and, if applicable, the arrears in strata fees related to the mortgaged property”;
- (h) in subsection (7), by inserting after paragraph (b) the following paragraph—
 “(ba) a list of all persons that are repaying withdrawn amounts into their respective accounts in a pension plan under this section.”;
- (i) in subsection (9) as follows —
 - (i) by deleting the word “Where” and substituting the words “Subject to subsection (9A), where”;
 - (ii) by deleting the word “acquired” and substituting the words “paid off”; and
 - (iii) by deleting the words “attaining the normal age of pension entitlement” and substituting the words “repaying the withdrawal amount in full”;
- (j) by inserting after subsection (9) the following subsection —
 “(9A) The payments received by a pension plan administrator under section 52D shall be deducted from the amount that the member is required to repay under subsection (9).”;
- (k) by repealing subsection (11) and substituting the following subsection —
 “(11) In this section —
 “**corporation**” has the meaning assigned by section 2 of the *Strata Titles Registration Act (2013 Revision)*; and
 “**encumbrance**” has the meaning assigned to that expression under section 2 of the *Registration (Land) Act (1996 Revision)*.”; and
- (l) by inserting after subsection (11) the following subsection —
 “(12) A dwelling unit under subsection (1) refers to a dwelling unit which serves as the primary place of residence for the person making the withdrawal under that section.”.

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

If no Member wishes to speak, the question is that the Amendment do form part of the Clause. Those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: The question now is that the Clause as amended, do stand part of the Bill. Those in favour please say Aye, those against, no.

The Chairman: The Ayes have it.

Agreed: Clause 7, as amended, passed.

The Clerk:

Clause 8	Amendment of Section 52D - Additional contributions
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The Chairman: I have received notice from the Honourable Minister of his proposal to amend Clause 8. I now invite the Minister to move the Amendment.

Amendment to Clause 8

Hon. Dwayne S. Seymour: Thank you Mr. Chair.

In accordance with the provisions of Section of Standing Order 52(1) and (2) I, the Honourable Dwayne Seymour, the Minister responsible Border Control and Labour, give notice to move the following amendments to the National Pensions (Amendment), Bill, 2023.

That the Bill be amended in clause 8 in the proposed section 52D(1), by deleting the words “52BA(6)(a)” and substituting the words “52BA(8)(a)”.

The Chairman: The Amendment has been duly moved.

Does any Member wish to speak to the Amendment? If not, the question is that the amendment do form part of the clause. Those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: The amendment passed.

The Chairman: The question is that Clause 8, as amended, does stand part of the Bill. All those in favour please say Aye, those against no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 8, as amended, passed.

The Clerk:

Clause 9 Amendment of Section 52E - total amount withdrawn from more than one pension plan not exceeding \$35,000.

The Chairman: I have received notice from the Honourable Minister of his intention to move an Amendment to clause 9. I now invite him to do so.

Amendment to Clause 9

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Honourable Dwayne Seymour, the Minister Responsible for Border Control and Labour give notice to move the following Amendment to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended in clause 9 by deleting paragraph (a) and substituting the following paragraph —

- “(a) by repealing the section heading and substituting the following section heading —
 “Total amount withdrawn from more than one pension plan not to exceed fifty thousand dollars except under section 52C”;

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

If no Member wishes to speak, the question is that the Amendment does stand part of the Clause 9. Those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: The question now is that Clause 9, as amended, does stand part of the Bill. Those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 9, as amended, passed.

The Clerk:

Clause 10 Insertion of sections 78A, 78B, 78C and 78D - remuneration and immunity of members of the Board; appointment and functions of committees; meetings of the Board; duty of confidentiality

The Chairman: The question is that Clause 10 do stand part of the Bill. Those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 10 passed.

The Clerk:

Clause 11 Repeal and substitution of Schedule - form

The Chairman: I have received notice from the Honourable Minister of his intention to propose an Amendment to Clause 11. I now invite him to move that Amendment.

Amendment to Clause 11

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

In accordance with the provisions of Standing Order, 52(1) and (2), I, the Honourable Dwayne Seymour, the Minister responsible for Border Control and Labour, give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended in clause 11, in the proposed Schedule, in the Form, as follows —

- (a) in the heading, by inserting after the word “mortgage”, wherever it appears, the words “and, if applicable, arrears in strata fees related to the mortgaged property”;
- (b) in the table under the heading “A4: Withdrawal Requests”, in the fourth column, by deleting the words “for pay off of mortgage” and substituting the words “to pay off mortgage and, if applicable, arrears in strata fees related to the mortgaged property”;
- (c) under the heading “A5: Type of Withdrawal” as follows —
 - (i) by inserting after the words “Reduction payment on existing mortgage” the words “and, if applicable, arrears in strata fees related to the mortgaged property”; and
 - (ii) by inserting after the words “Pay off an existing mortgage” the words “and, if applicable, arrears in strata fees related to the mortgaged property”;
- (d) under the heading “A6: Total amount of withdrawal required”, by deleting the words “for pay off of an existing mortgage” and substituting the words “for paying off of an existing mortgage and, if applicable, arrears in strata fees related to the mortgaged property”;
- (e) under the heading “A9: This application is accompanied by the following documents” as follows —
 - (i) by inserting after the words “to pay off an existing mortgage on a dwelling unit” the words “and, if applicable, to pay off arrears in strata fees related to the mortgaged property”; and

- (ii) by inserting after the words "Letter from financial institution addressed to the Applicant" the following —
"Letter from corporation addressed to the Applicant"; and
- (iii) by deleting the words "52BA(10), 52(C)(9)" and substituting the words "52BA(12), 52C(9)";
- (f) in Part C, by inserting after the words "pay off" the words "(and, if applicable make a reduction payment towards or pay off arrears in strata fees in respect of)"; and
- (g) in Part D, by inserting after the words "mortgage" the words "and, if applicable, make a reduction payment towards or pay off arrears in strata fees related to the mortgaged property".

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: The Amendment passed.

The Chairman: The question now is that the clause as amended 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 11, as amended, passed.

The Clerk:

Clause 12 Transitional

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.

Amendment to Long Title

The Clerk: A Bill for an Act to amend the National Pensions Act (2012 Revision) to allow Caymanians to withdraw from their pension plans to pay towards a mortgage or residential land loan; to increase the maximum amount allowed for withdrawals from pension plans; to change the additional contributions required as a result

of the withdrawal; to amend the structure and governance of the National Pensions Board; and for incidental and connected purposes.

The Chairman: I have received notice from the Honourable Minister responsible who proposes an amendment to the Long Title. May I now invite the Minister to move the amendment?

Amendment to Long Title

Hon. Dwayne S. Seymour: No pun intended.

[Laughter]

Hon. Dwayne S. Seymour: Mr. Chair, in accordance with the provisions of Standing Order 52(1) and (2), I, the Hon. Dwayne Seymour, the Minister responsible for Border Control and Labour, give notice to move the following amendments to the National Pensions (Amendment) Bill, 2023.

That the Bill be amended in the Long Title by inserting after the words "residential land loan" the words "or, if applicable, to make a reduction payment towards or pay off arrears in strata fees".

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

Mr. Christopher S. Saunders: Mr. Chairman, I want to thank the Honourable Minister for these changes, many of which are actually pretty good.

The Chairman: Member, we need to get the thing through first.

Mr. Christopher S. Saunders: I'm talking to the overall changes. I know we went through several of them.

The Chairman: Are you saying you simply want to thank the Minister?

Mr. Christopher S. Saunders: No, I'm going to talk about the changes, since they were all pretty much related. Rather than go through each change, I just want to say what I want to say now.

The Chairman: Which changes?

Mr. Christopher S. Saunders: I'm talking about all the amendments that he did.

The Chairman: No, the vote has already been taken.

Mr. Christopher S. Saunders: Oh, okay sorry, I thought there was a next one.

The Chairman: No, we cannot start that all over again.

The question... I lost my train of thought. The question is that the Amendment to the Long Title do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.
Agreed: The amendment passed.

The Chairman: The question now is that the Long Title, as amended, do stand part of the Bill? Those in favour, please say Aye. Those against, no.

AYES.

The Chairman: The Ayes have it.
Agreed: The Long Title, as amended, passed.

The Chairman: The question now is that the Bill, as amended, 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.

The Chairman: That concludes the business of this Committee.

House resumed at 6:37 p.m.

The Speaker: The House will now resume.

REPORT ON BILLS

Beneficial Ownership Transparency Bill, 2023

The Speaker: The Honourable Deputy Premier and Minister of Financial Services.

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

I am pleased to report that a Bill shortly entitled the Beneficial Ownership Transparency Bill, 2023, was considered by a committee of the whole House and passed with amendments.

The Speaker: The Bill is accordingly set down for a third reading.

Banks and Trust Companies (Amendment) Bill, 2023

The Speaker: Honourable Minister of Financial Services and Deputy Premier.

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

I'm pleased to report that a Bill shortly entitled the Banks and Trust Companies (Amendment) Bill, 2023, was considered by a committee of the whole House and passed without amendments.

The Speaker: The Bill is accordingly set down for a third reading.

Companies (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I am pleased to report that a Bill shortly entitled the Companies (Amendment) Bill, 2023 was considered by a committee of the whole House and passed without amendments.

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

Companies Management (Amendment) (No. 2), Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I'm pleased to report that a Bill shortly entitled the Companies Management (Amendment) (No. 2), Bill, 2023, was considered by a committee of the whole House and passed without amendments.

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

Foundation Companies (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I'm pleased to report that a Bill shortly entitled the Foundation Companies (Amendment) Bill, 2023, was considered by a committee of the whole House and passed without amendments.

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

Insurance Amendment (No. 2) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I'm pleased to report that a Bill shortly entitled the Insurance (Amendment) (No. 2) Bill, 2023, was considered by a committee of the whole House and passed without amendments.

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

Limited Liability Companies (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I'm pleased to report that a Bill shortly entitled the Limited Liability Companies (Amendment) Bill, 2023, was considered by a committee of the whole House and passed without amendments.

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

Limited Liability Partnership (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I am pleased to report that a Bill shortly entitled the Limited Liability Partnership (Amendment) Bill, 2023, was considered by a committee of the whole House and passed without amendments.

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

Mutual Funds (Amendment) Bill, 2023

The Speaker: Honourable Minister of Financial Services and Deputy Premier.

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

I am pleased to report that a Bill shortly entitled Mutual Funds (Amendment) Bill, 2023, was considered by a committee of the whole House and passed without amendments.

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

Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023

The Speaker: Honourable Minister of Financial Services and Deputy Premier.

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

I'm pleased to report that a Bill shortly entitled the Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023, was considered by a committee of the whole House and passed without amendments.

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

National Pensions (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Labour.

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

I am pleased to report that a Bill shortly entitled the National Pensions (Amendment) Bill, 2023, was considered by a committee of the whole House and the Bill was passed with 10 amendments.

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

Madam Premier, is it your Government's intention to proceed with the Third Reading today?

The Premier, Hon. Juliana Y. O'Connor-Connolly: Yes, thank you, Mr. Speaker.

The Chairman: If so, could I invite you to move the suspension of Standing Order 47, to enable more than two readings of a Bill to be conducted in the course of one day.

Suspension of Standing Order 47

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker. I move that we suspend Standing Order 47 in order to enable more than two readings at any one Sitting.

The Speaker: The question is that Standing Order 47 be suspended in order to allow more than two readings of the Bills to be conducted in one Sitting. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Standing Order 47 suspended.

THIRD READINGS

**Beneficial Ownership
Transparency Bill, 2023**

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled the Beneficial Ownership Transparency Bill, 2023, be given a third reading and passed.

The Speaker: The question is that the Beneficial Ownership Transparency Bill, 2023, be read a third time and passed. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Beneficial Ownership Transparency Bill, 2023, was given a third reading and passed.

**Banks and Trust Companies
(Amendment) Bill, 2023**

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled the Banks and Trust Companies (Amendment) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Banks and Trust Companies (Amendment) Bill, 2023, be read a third time and passed. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Banks and Trust Companies (Amendment) Bill, 2023, was given a third reading and passed.

Companies (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Companies (Amendment) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Companies (Amendment) Bill, 2023, 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 Companies (Amendment) Bill, 2023, was given a third reading and passed.

**Companies Management
(Amendment) (No. 2), Bill, 2023**

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Companies Management (Amendment) (No. 2), Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Companies Management (Amendment) (No. 2), Bill, 2023, 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 Companies Management (Amendment) (No. 2), Bill, 2023, was given a third reading and passed.

**Foundation Companies
(Amendment) Bill, 2023**

The Speaker: Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Foundation Companies (Amendment) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Foundation Companies (Amendment) Bill, 2023, 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 Foundation Companies (Amendment) Bill, 2023, was given a third reading and passed.

**Insurance (Amendment)
(No. 2) Bill, 2023**

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Insurance (Amendment) (No. 2) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Insurance (Amendment) (No. 2) Bill, 2023, 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 Insurance (Amendment) (No. 2) Bill, 2023, was given a third reading and passed.

Limited Liability Companies (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Limited Liability Companies (Amendment) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Limited Liability Companies (Amendment) Bill, 2023, 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 Limited Liability Companies (Amendment) Bill, 2023, was given a third reading and passed.

Limited Liability Partnership (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Limited Liability Partnership (Amendment) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Limited Liability Partnership (Amendment) Bill,

2023, 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 Limited Liability Partnership (Amendment) Bill, 2023, was given a third reading and passed.

Mutual Funds (Amendment) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Mutual Funds (Amendment) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Mutual Funds (Amendment) Bill, 2023, 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 Mutual Funds (Amendment) Bill, 2023, was given a third reading and passed.

Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023

The Speaker: The Honourable Minister of Financial Services and Deputy Premier.

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

I beg to move that a Bill shortly entitled Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023, 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 Virtual Asset (Service Providers) (Amendment) (No. 2) Bill, 2023, was given a third reading and passed.

National Pensions Amendment Bill, 2023

The Speaker: The Honourable Minister of Labour.

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

I beg to move that a Bill shortly entitled the National Pensions (Amendment) Bill, 2023, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the National Pensions (Amendment) Bill, 2023, 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 National Pensions (Amendment) Bill, 2023, was given a third reading and passed.

MOTIONS

Government Motion NO. 3 of 2023-2024 Development and Planning Act (2021 Revision) – Development and Planning (Amendment) Regulations, 2023

The Speaker: The Honourable Minister of Planning, Agriculture, Housing, Infrastructure, Transport and Development.

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

Mr. Speaker, I beg to move Government Motion No. 3 of 2023-2024: Development and Planning Act (2021 Revision) – Development and Planning (Amendment) Regulations, 2023.

WHEREAS section 42(1) of the Development and Planning Act (2021 Revision) provides that the Cabinet may make regulations for better carrying out and giving effect to the Act;

AND WHEREAS section 42(3) of that Act provides that no regulations shall be made unless a draft of the regulations has been laid before the Cayman Islands Parliament and a resolution approving the draft is passed by the Cayman Islands Parliament;

AND WHEREAS the draft Development and Planning (Amendment) Regulations, 2023 were laid on the Table of the Parliament;

BE IT THEREFORE RESOLVED THAT the draft Development and Planning (Amendment) Regulations, 2023 be approved by the Cayman Islands Parliament in accordance with section 42(3) of the Development and Planning Act (2021 Revision).

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

Hon. Johany S. Ebanks: Yes, Mr. Speaker.

Mr. Speaker, I have laid before this honourable House, the Development and Planning (Amendment) Regulations, 2023. The purpose of which is to promote the use of rooftop spaces on multi-storey buildings in commercial, hotel and tourism zones.

Mr. Speaker, we believe this enhances the efficiency of the site by allowing ancillary features that may normally take up other areas of the building to now be undertaken at rooftop level. For instance, pools and restaurants which may normally be placed on the site and sometimes near the water or beach, can now be placed on roofs while maintaining their attraction and appeal. We know that land and views areas are premium. Imagine the appeal of watching Cayman's world-famous sunsets from the roof of your hotel while dining. I certainly feel there will be some breath-taking moments for our locals and tourists to cherish.

Mr. Speaker, such flexibility will allow us to promote greater building sustainability as the site itself can now be further utilised for vegetation and greenery, and indeed, the roof can also be an integral part of "green buildings". It is important to note that the roof in existing states can be used for mechanical and electrical rooms or equipment; this space must be for completeness of these existing uses. It should not be seen as another storey, but rather defined as a space that is usable, but not liveable—that is, Mr. Speaker, it cannot be used for additional bedrooms, suites or penthouses, but rather for meeting spaces, gyms and other ancillary uses.

Mr. Speaker, this change was done in consultation with the industry and the stakeholders, as we recognise the importance of the development sector and its vital role in Cayman's economy. This will allow development of modern efficiency buildings to continue at the forefront but also, Mr. Speaker, it is a direction that gives developers the opportunity to, as we talked about before, moving our pools, moving our restaurants to be able to utilise that rooftop space.

It also gives us opportunity for moving our setbacks. Another amendment to the planning laws will be coming in the coming months, whereas we'll be looking at the beach setback, so this is actually a start in that phase of moving in that direction to give the opportunity for anyone that is building on the beaches or wherever, to allow more beach space. They would not have to take it for a pool or a restaurant.

Mr. Speaker, I now seek the approval of this honourable House in passing this Development and Planning (Amendment) Regulations, 2023.

Thank you.

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

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you very much, Mr. Speaker. Very briefly.

We have read the Regulations and the paper before us, Mr. Speaker, and we support the

amendments as they are presented by the Minister this afternoon.

Thank you, sir.

The Speaker: Does any other Member wish to speak? The Minister for Tourism and Transport.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker. I rise to give full support to the Minister from the perspective of tourism.

When this Motion was brought to Caucus for discussion, seeking feedback from my Ministry, we were happy, as it will allow us to have an improved product that's more in line with much of our competition. We are welcoming of the planning stages of approval so that those who are in the development stages of future plans can amend to give those experiences that you heard the Honourable Minister speak about.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister for Tourism. Can I just confirm that you are no longer responsible for Transport? I keep calling you Minister for Transport.

Hon. Kenneth V. Bryan: Ports.

The Speaker: Ports. Thank you.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

If not, I call on the Honourable Minister for Planning to exercise his right of reply.

Hon. Johany "Jay" Ebanks: Mr. Speaker, I just want to thank my colleagues and the honourable Members of this House for their full support in this planning Amendment.

I thank you all.

The Speaker: The question is, **BE IT THEREFORE RESOLVED** that the Draft Development and Planning (Amendment) Regulations, 2023 be approved by the Cayman Islands Parliament in accordance with Section 42(3) of the Development and Planning Act (2021 Revision). Those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 3 of 2023-2024 passed.

The Speaker: Honourable Members, I believe that is the end of the Order Paper which you currently have; but there is an Addendum Order Paper which the Premier discussed with me, to deal with a consequential

matter resulting from the change in position of various Members of this House, myself included.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: I have given permission to the Honourable Premier to make a statement.

The Honourable Premier

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

Mr. Speaker, in the brief days since the forming of the UPM Government I am delighted to say, that the government has worked cohesively and indeed, rapidly, to address longstanding issues that enjoy widespread, and in some cases unanimous support, across both sides of the aisle in Parliament.

Moreover Mr. Speaker, the policy initiatives which are being brought forward will directly, and positively, impact the lives of Caymanian families. This week, the UPM administration is making inroads to deliver financial relief to three diverse groups across the Cayman Islands society who have been long awaiting decisions on key policies. I am indeed happy to say, that even in this first Meeting, my Government is prepared to consider matters that assist people within both the public and private sectors.

Within our civil service who is charged with delivering the Government's policy priorities, the following policies are being rapidly delivered:

The first policy to come to fruition are the amendments to the National Pensions Act in order to bring urgent relief to families who are struggling to maintain home ownership and in some cases to even access home ownership due to the rapid rise in interest rates in recent months.

In response, Mr. Speaker, my colleague, the Honourable Minister for Border Control and Labour introduced a Bill, passed in just the last few moments, to amend the National Pensions Act, which increased the maximum amount that can be withdrawn from the private sector pension plans for home purchase or construction, mortgage reduction, mortgage payoff and strata fees, as was seen in the numerous amendments. This law applies only to the private sector, as public sector pensions are structured differently and civil service terms and conditions are in fact responsibilities reserved for the Governor and Deputy Governor by virtue of section 55 of the Constitution.

Notwithstanding this, Mr. Speaker, my Government knows the plight of many public servants, and in particular retired public servants who faithfully served for many years, but whose pension is below the level of subsistence provided through the indigent care.

As such, the second policy that the Government is actively considering, are amendments to the Public Service (*Ex-Gratia* Uplift) Regulations. Once finalised, the policy will come into effect in December 2023, and will provide relief to public service pensioners who worked for ten years or more by increasing their minimum pension to \$1,250 per month. This is an increase of \$300 per month or 32 per cent over the current minimum pension guarantee of \$950 per month. For those long serving public service pensioners whose pension income is less than \$1,250 per month, this decision alone will bring much needed relief, allowing them to better cope with affording the bare necessities.

I am indeed relieved that not only is this policy decision making being taken quickly by the UPM Government, but will be implemented quickly as well. The Public Service Pension Board has confirmed that eligible pensioners will receive their first payment in December ahead of the Christmas season.

[Desk Thumping]

The Premier, Hon. Juliana Y. O'Connor-Connolly: The third major policy that impacts many Caymanians is a policy to award a one-off payment for the civil service in the amount of \$1,500 per employee. Again, this payment will be processed as a one-time payment in the month of December.

Mr. Speaker, I know that there will be some who will criticize a payment to the civil service— none, I believe, inside these hallowed Chambers; to these critics I say: The truth is that we owe our civil service a tremendous debt of gratitude. Civil servants, are not only the delivery arm of every government policy and programme, but in the current fiscal period of 2022 to 2023, efficiencies have been achieved by the civil service in the areas of personnel costs alone, and they have created the financial wherewithal to fund other government initiatives that have benefited the wider Cayman Islands community.

Mr. Speaker, in personnel costs alone, the civil service forecasted to achieve a total of \$66 million in savings during the current fiscal period which, when broken down, accounts for approximately \$40 million in HR savings in 2022 and a forecasted savings of approximately \$26 million for this year. These savings have been reinvested to support working families across the Cayman Islands helping to pay for programmes such as electricity rebate, free school lunches and other measures introduced by the Government in the current fiscal period to help alleviate the cost of living. By approving the one-time payment of \$1,500 the Government is allowing the civil service to retain approximately 10 per cent of the HR savings it has generated. I believe Mr. Speaker, that this approach is a sound one on two fronts:

- It rewards the contributions of our civil service; and
- it incentivises continued efficiencies.

I know that our colleagues across the wider public sector will ask questions about their eligibility. To them I would say, that in principle, we have no objection; but it is important to note that this outcome has been funded by efficiencies, and not the result of Government needing to approve any new funding and that this is in lieu of other performance initiatives at this time.

Therefore, Mr. Speaker, the litmus test is savings. If they can be found, and new funds are acquired, we have no objections.

[Desk Thumping]

The Premier, Hon. Juliana Y. O'Connor-Connolly: As you have heard, Mr. Speaker, there are no less than three measures which my Government is actively delivering. These decisions allow the country to now move forward with certainty about what can be accomplished within our existing resources. We are no longer talking about helping our people. As has been demonstrated even here today, Mr. Speaker, this Government is putting our words into action.

I want to thank my colleagues from this side of the Floor and across the Floor, and your good self, Mr. Speaker, for indulging— and I am sure if you were across the Floor, supporting— through your tacit support on these very significant matters when they have been previously debated in Parliament, as well as by implication today.

In particular, I want to thank the new members of the UPM Government for making these policies a reality; and the civil service for delivering them to help Caymanian families in both the public and private sectors, both working and retired. We may not be able to do all things, Mr. Speaker, but we are committed with the help of Almighty God to being good stewards and doing what we can, while we can.

Thank you.

[Desk Thumping]

The Speaker: Thank you. Honourable Premier.

GOVERNMENT BUSINESS

MOTIONS

Government Motion NO. 4 OF 2023-2024 Change in Membership of the Standing Business Committee

The Speaker: Honourable Premier.

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

I wish to move Government Motion No. 4 of 2023-2024 which, if passed, would support a change in the membership of the Standing Business Committee.

[Pause]

The Speaker: Honourable Premier.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker. The Motion reads as follows:

WHEREAS, in accordance with the provisions of Standing Order 79, this House appointed a Standing Business Committee charged with deciding the order of business of the House and in particular –

- a. to consider the Business Papers of the House;
- b. to decide and inform the Clerk the order in which Private Members' Motions are to be debated on;
- c. to decide and to inform the Clerk two clear days before a Question Day the questions to be put down for reply on the Order Paper for that Question Day;
- d. to provide a ready means of consultation between Members who are not Members of the Cabinet, and the Premier, the Leader of the Opposition, the Speaker and the Clerk;
- e. to select a Member to read Prayers on each day of the Meeting of the House other than the State Opening Meeting;
- f. to inform the Clerk the order in which Bills shall be set down upon the Order Papers;

AND WHEREAS following the resignation of the Honourable G. Wayne Panton from the Committee by letter dated the 22nd of November, 2023, [and] the election of the Honourable Sir Alden McLaughlin as Speaker of Parliament, the current membership of the Standing Business Committee comprises of:

- a. Hon. Juliana Y. O'Connor-Connolly, Premier;
- b. Hon André M. Ebanks, Deputy Premier;
- d. Hon. Roy M. McTaggart, Leader of the Opposition; and
- e. Hon. Kenneth V. Bryan, Government Minister.

AND WHEREAS it is desirous to appoint the Honourable Johany S. Ebanks, MP and honourable Joseph X. Hew as members of the Committee; and

BE IT THEREFORE RESOLVED that the Honourable Johany Ebanks, MP and honourable Joseph X. Hew be and are hereby elected as members of the Standing Business Committee.

I so move, Mr. Speaker, having elaborated on the contents of the Motion.

The Speaker: The Motion has been duly moved. Does the Honourable Premier wish to speak further to it?

The Premier, Hon. Juliana Y. O'Connor-Connolly: Very briefly, Mr. Speaker, as the Motion is self-explanatory

By way of the resignation letter by the former Premier, and your due election this morning to the Office of Speaker this honourable Parliament, it left two vacancies, one from the Government side, one from the Opposition.

The Opposition has duly submitted honourable Joseph X. Hew, and the Government by consensus has approved Honourable Johany Ebanks and we would wish to move forward with the Business Committee as we intend to bring the budget at a date to be announced and distributed to the Clerk tomorrow.

May it please you, Sir.

The Speaker: Thank you Madam speaker. Does any other Member wish to speak?

[Inaudible Interjection]

The Speaker: Old habits die hard, Honourable Premier. Does any other Member wish to speak?

If no other Member wishes to speak, I will put the question.

[Inaudible interjection]

The Speaker: Madam Premier, would you like to exercise your right to reply?

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

In normal circumstances, I would have said no except to stand, and thank Members for their tacit support; but it would be remiss of me if I did not, with your discretion, express to you, which I have done in private, how very pleased I am to see that the resetting of a new journey of democracy within this honourable, hallowed Chamber commenced this morning with your elevation from the backbench.

You have now completed your political role as far as occupying the various positions. Perhaps what is left is a seat on the Court of Appeal or Grand Court—

[Laughter]

The Premier, Hon. Juliana Y. O'Connor-Connolly: —or Governor-General, who knows.

Suffice to say that I think, based on the feedback and the full support of my colleagues, that it was unanimous and we thank the Leader of the Opposition and the independent Member for Bodden Town West for their cooperation. As the former Premier in BVI said when we were negotiating in the UK— and it was Dawn *[inaudible]* at the time. He started off with a very flattery introductory remark, that when he was flying from New York and he saw a beautiful dawn as he approached

London, he knew that he would have safe landing with her name being Dawn.

Well, your name isn't Dawn, but you have, in fact, dawned many hallways, in all three aspects, the Executive, the Judiciary and in Parliament. We wish for you very, very smooth sailing. I cannot promise you, Mr. Speaker, it will be as efficient or as effective or as smooth as today, but I know with you having been on both sides, you would appreciate the adversarial nature of the Westminster parliamentary democracy and as you have always said, in many, many speeches, there may be some that love the Cayman Islands as good as you, but not more than you.

There are a number of things that cause me to know within my own mind that we made the right selection that I could be bold-faced enough to say, *No, we are not going outside* and not that there were not many, very competent persons outside, but charity begins at home. Like you, I felt, *"Enough of musical chairs."* That music needed to stop, and I believe that democracy is formidable in the minds of those who have not wrapped their minds around it but it is such an efficient chariot to take us into the next century.

You have been in these Chambers for a long, long time. We rode many battles together and had many victories, on opposite sides and on the same side. I know you through your family on Crewe Road—because of my friend Debbie, and Liz through medical reasons; and I am safe to say, that regardless of politics, I personally and politically convey the utmost respect for your integrity, your intellectual capacity and your ability for partiality when necessary, but impartiality when necessary as well.

I believe that this House and the ninth speaker will soar to new heights because you have come from the pedigree where,

*"—heights by great men reached and kept,
were not attained by sudden flight,
but they while their companion slept,
were toiling upward through the night.—"*

And in fact, you easily encapsulated that poem that I learned many, many years ago at Cayman Brac High School.

I believe that Cayman is now at a juncture, where unity has to be the operative word if we are going to save, to preserve, to conserve what our forefathers and mothers did. Yes, there is room for politics, an election is on the horizon as it were, but until then, we were put here as trustees of the people and they need us now more than ever before.

Through you, Mr. Speaker, I wish to convey to all my colleagues, how I am extremely, extremely... proud is not a word I use often in my vocabulary, but indeed, I am proud to see that we have had a smooth transition of power which many jurisdictions cannot enjoy even today. However, [we in] the Cayman Islands, because of our forefathers and mothers, because of

persons in your heritage, like the late Mr. Haig Bodden and others, have that common thread embedded in our DNA, that we want what's best and indeed the driving factor, the impetus, is that we want to leave this stage a much better one.

Hence, I am emphatically delighted, to see you sitting in that Chair. It is not the most comfortable one, physically and otherwise, but I am encouraged. I have the audacity to hope, the temerity to dream that came on is going to be onward and upward. It is not a panacea because it is a house of politics, but I can go to bed tonight feeling that the Chair continues to be in good hands.

May you be blessed and may Almighty God light shine upon you forever as you continue to discharge your duties in the example of your love for this country, as is common among all nineteen here in this House.

May it please you, Sir.

[Applause]

The Speaker: Thank you Madam Premier, you leave me blushing.

The question is, BE IT THEREFORE RESOLVED THAT the Honourable Johany S. Ebanks, MP, and the honourable Joseph Xavier Hew, be and are hereby elected as Members of the Standing Business Committee of Parliament.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 4 of 2023-2024 passed.

ADJOURNMENT

The Speaker: The Motion is duly carried. Madam Premier, may I call on you for the adjournment?

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

Mr. Speaker it is my humble duty to ask for a motion for the adjournment, sine die.

The Speaker: The question is that this honourable House do adjourn, sine die. Those in favour, please say AYES. Those against, No.

AYES.

The Speaker: The Ayes have it. The House is hereby adjourned, sine die.

At 7:27 p.m. the House stood adjourned sine die.

