



PARLIAMENT
OF THE CAYMAN ISLANDS



PARLIAMENT OF THE CAYMAN ISLANDS

OFFICIAL HANSARD REPORT

Third Meeting of the 2024/2025 Session
Third Sitting

Wednesday
5 February, 2025
(Pages 1-55)

Hon. Sir Alden McLaughlin
Speaker

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PRESENT WERE:

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

MINISTERS OF THE CABINET

Hon. Juliana Y. O'Connor-Connolly, JP, MP	<i>Premier</i> , Minister of Finance & Economic Development, Education, District Administration & Lands, Financial Services & Commerce, <i>and</i> Health
Hon. Kenneth V. Bryan, MP	<i>Deputy Premier</i> , Minister of Tourism & Ports <i>and</i> Social Development & Innovation
Hon. Johany S. Ebanks, MP	Minister of Planning, Agriculture, Housing, Infrastructure and Transport & Development
Hon. Isaac D. Rankine, JP, MP	Minister of Youth, Sports, & Heritage <i>and</i> Home Affairs
Hon. Dwayne S. Seymour, OCI, JP, MP	Minister of Border Control, Labour, Culture, Sustainability & Climate Resiliency <i>and</i> Wellness

EX OFFICIO MEMBERS OF THE CABINET

Hon. Gloria McField-Nixon. 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. W. McKeever Bush, JP, MP	Elected Member for West Bay West, Parliamentary Secretary to Border Control & Culture <i>and</i> Planning, Housing, Infrastructure, Transport & Development
Mr. Bernie A. Bush, MP	Elected Member for West Bay North, Parliamentary Secretary for Youth, Sports and Heritage

OPPOSITION MEMBERS

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

INDEPENDENT OPPOSITION MEMBERS

Hon. Heather D. Bodden, OCI, Cert. Hon., JP, MP	<i>Deputy Speaker</i> , Elected Member for Savannah
Hon. G. Wayne Panton, JP, MP	Elected Member for Newlands
Hon. Katherine A. Ebanks-Wilks, MP	Elected Member for West Bay Central
Mr. Christopher S. Saunders, MP	Elected Member for Bodden Town West
Mr. André M. Ebanks, MP	Elected Member for West Bay South
Mrs. Sabrina T. Turner, MP	Elected Member for Prospect

APOLOGIES

Hon. Franz I. Manderson, MBE, Cert. Hon, JP	<i>Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
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OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2024/25 SESSION
WEDNESDAY
5 FEBRUARY, 2025
1:35 P.M.
Third Sitting

[Hon. Sir Alden McLaughlin, Speaker, Presiding]

The Speaker: Good afternoon. Parliament is resumed.
I'll invite the Honourable Minister of Youth, Sports & Heritage and Home Affairs to say prayers.

PRAYERS

Hon. Isaac D. Rankine, Minister of Youth, Sports, & Heritage and Home Affairs, Elected Member for East End: Thank you, Mr. Speaker.

Let us pray:

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the 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 the Parliament, the Leader of the Opposition, Ministers of the Cabinet, ex officio Members, Members of the Parliament, the Chief Justice and Members of the Judiciary that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

Let us say The Lord's Prayer together:

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

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

The Speaker: Please be seated.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: I'll invite Mrs. Gloria McField-Nixon, the Acting Honourable Deputy Governor, to come forward and execute the Oaths of Allegiance and Due Execution of Office, to be administered by the Clerk.

I invite all Honourable Members to stand.

OATH OF ALLEGIANCE

Hon. Gloria McField-Nixon, Acting Deputy Governor: I, Gloria Michelle McField-Nixon, 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.

OATH FOR DUE EXECUTION OF OFFICE

Hon. Gloria McField-Nixon, Acting Deputy Governor: I, Gloria Michelle McField-Nixon, 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: Mrs. McField-Nixon, you may take your seat. Welcome to this House, again, in your role as Acting Honourable Deputy Governor.

Please be seated.

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

The Speaker: None.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**Cayman Islands Expungement Board - Office of
the Deputy Governor - Cayman Islands
Government - 2023 Annual Report**

The Speaker: I recognise the Acting Honourable Deputy Governor.

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

In accordance with section 44 of the Criminal Records (Spent Convictions) Act (2018 Revision), I beg to lay on the Table of this honourable Parliament the 2023 Annual Report for the Expungement Board.

The Speaker: So ordered. Does the Acting Honourable Deputy Governor wish to speak thereto?

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

Mr. Speaker, I will be providing some background information pertinent to the Annual Report and the work of the Expungement Board followed by a summary of the Report's key highlights.

By way of background, Mr. Speaker, the Expungement Board was first established in 2018 with the enactment of the Criminal Records (Spent Convictions) Act. This is the Board's fifth Annual Report.

Mr. Speaker, the primary objective of the Criminal Records Act is to implement a scheme to limit the effect of a person's conviction for a range of offences if the person, having served his or her sentence, subsequently completes a period of crime free behaviour. Mr. Speaker, it is important to note that the Criminal Records Act establishes that criminal records for certain convictions and offences can never be expunged, including for example, for treason, murder, child pornography, to list some examples. These are set out in Schedule 2 and section 12 of the Act and it provides the full list of offences and convictions for which criminal records cannot be expunged.

Otherwise, Mr. Speaker, where the criminal record of a person is eligible for expungement and has been expunged, the Act establishes that the person will be treated for all purposes as a person who has not committed the offence, been charged with the offence, been prosecuted for the offence, been convicted of the offence or been sentenced for the offence.

Mr. Speaker in Schedule 4, the Act provides certain professions and offices of employment where persons must disclose expunged criminal records. In section 44 of the Criminal Records (Spent Convictions) Act, it requires that the Board submits an annual report containing the number of applications for expungement of criminal records made in respect of the offences referred to in Schedule 2 of the Act, the number of expungements of criminal records that the Board approved or disapproved, categorised by the offence to which they relate, and if applicable, the district of residence of the applicant and any other information required by the Governor.

Mr. Speaker, in summary, for the 2023 calendar year, the Board processed 48 applications. Of those, Mr. Speaker, 26 were deemed eligible and approved by the Board; 14 applications were deemed ineligible for expungement as they did not meet the required crime free period as stipulated in the Act; and

three applications were deferred. Four applications were referred to the Criminal Records Office for consideration of automatic expungement, and one application was considered to have been spent under the previous Act.

Mr. Speaker, with every expunged record, our citizens are given an opportunity for a fresh start in life. It is therefore rewarding to know that over 26 individuals who have applied for expungement having served their sentence and remained crime free for the required period have had their criminal records expunged.

Mr. Speaker, the members of the expungement board are volunteers appointed by the Governor. They provide a very important service to our community. In 2023, the membership of the board was as follows, Mr. Hugh Lockwood, Mrs. Kayleigh Wright, Mr. Michael Bromby and Mr. Ben Tonner.

Mr. Speaker, in closing, I would like to extend the heartfelt thanks of our Cayman Islands community to the members of the Expungement Board. We look forward to their continued service in support of second chances and new opportunities for our citizens. I would also like to sincerely thank the staff in the Office of the Deputy Governor for the support that they provide to the Board.

Thank you, Mr. Speaker.

**Office of the Auditor General Cayman Islands –
Financial Reporting of the Cayman Islands Government: General Report 31 December 2023
(November 2024)**

**Report of the Standing Public Accounts Committee on the Report of the Office of the Auditor General - Financial Reporting of the Cayman Islands Government: General Report 31 December 2023
(November 2024)**

The Speaker: I recognise the honourable Member for George Town East.

Mr. Roy M. McTaggart, Elected Member for George Town East: Thank you, Mr. Speaker. Good afternoon, colleagues.

Mr. Speaker, I beg to lay on the Table of this honourable Parliament the Report of the Standing Public Accounts Committee on the report of the Office of the Auditor General – Financial Reporting of the Cayman Islands Government: General Report 31 December 2023 (November 2024) together with the general report of the Auditor General entitled Financial Reporting of the Cayman Islands Government 31 December 2023.

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

Mr. Roy M. McTaggart: No, thank you, Mr. Speaker. I think the Report of the Auditor General and that of the Public Accounts Committee is self-explanatory.

The Speaker: Very well.

**Office of the Auditor General Cayman Islands -
The Government's approach to sustainable economic development (November 2024)**

Report of the Standing Public Accounts Committee on the Report of the Office of the Auditor General - The Government's approach to sustainable economic development (November 2024)

The Speaker: I recognise the honourable Member for George Town East.

Mr. Roy M. McTaggart: Thank you, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable Parliament the report of the Office of the Auditor General entitled The Government's approach to sustainable economic development (November 2024, together with the Report of the Standing Public Accounts Committee on the Report of the Office of the Auditor General - The Government's approach to sustainable economic development (November 2024).

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

Mr. Roy M. McTaggart: Very briefly, Mr. Speaker.

Mr. Speaker, just to say that this Report and the previous one that I just tabled, represents the culmination of all of the work of the Standing Public Accounts Committee during this term of office. I am very pleased that the Committee was able to complete its programme of work and there will be no unfinished work to be taken up by the new Public Accounts Committee that will be formed subsequent to the elections on April 30th.

Thank you, Mr. Speaker.

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

The Speaker: I don't have any answers.

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

The Speaker: I recognise the Honourable Premier.

**The Premier, Hon. Juliana Y. O'Connor-Connolly
Section 11(5) Exceptional Circumstance
Appropriation Changes for the Ministry of
District Administration and Lands**

The Premier, Hon. Juliana Y. O'Connor-Connolly, Minister of Finance & Economic Development, Education, District Administration & Lands, Financial Services & Commerce and Health, Elected Member for Cayman Brac East: Good afternoon. Thank you, Mr. Speaker.

Mr. Speaker, the first statement, as it relates to the requirement to make a statement to this honourable Parliament for section 11(5) [appropriations], relates to the ministerial responsibility for District Administration.

Thank you, Mr. Speaker, for allowing me the opportunity to bring to the attention of this honourable House the exceptional circumstances which have resulted in the Supplementary Appropriations initiated by the Ministry of District Administration & Lands (DAL) for 2025.

Mr. Speaker, Cabinet considered and approved the following requests for section 11(5) appropriations in accordance with the Public Management and Finance Act (2020 Revision) by the Ministry of District Administration & Lands' appropriation lines so as to satisfy the 2025 expenditure needs as follows:

Land Acquisition: Mr. Speaker, Cabinet approved the increase of EA 4 – Land Acquisition in the Ministry of District Administration & Lands by CI\$6,250,000 to facilitate the acquisition of properties for public use via section 11(5) of the Public Management and Finance Act (2020 Revision). The aforementioned amount of \$6,250,000 is comprised of:

- (a) \$4,250,000 increase, as a result of a decrease of the same amount in EA 168 – Infrastructure and Development, in the Ministry of Planning, Agriculture, Housing, Infrastructure, Transport & Development; and
- (b) Cabinet approval of \$2,000,000 increase for Land Acquisitions (EA 4).

Mr. Speaker, to further elucidate, I am happy to advise that the two properties the Government acquired on behalf of its people are:

- Block 111A Parcel 4 known to us in this Chamber as Long Beach in Spot Bay, Cayman Brac. It's 33 acres and was finally purchased by the Cayman Islands Government (CIG) to prevent imminent development and thereby ensure future public use and benefit. It is also envisioned for it to be a National Park. We tried to get the consensus from the Department of Environment (DoE) to use the Environmental Protection Fund (EPF) and they said it could not be used, even though it is 33 acres for the benefit of the people as a National Park; and
- Block 33C Parcel 9 known as Old Cayman Kai Resort which is 2.59 acres of pristine beach in

Cayman Kai, North Side for public use—another gem.

Mr. Speaker, thank you for allowing me to explain the exceptional circumstances which have resulted in the Supplementary Appropriations initiated by the Ministry of District Administration under section 11(5) of the Public Management and Finance Act (2020 Revision) for the 2025 fiscal year.

Just to quickly add, Mr. Speaker, I've been trying to acquire Long Beach for the Government and the people of these Islands for over 25 years. A happy day, indeed, it is.

Section 11(5) Exceptional Circumstance Appropriation Changes for the Ministry of Education

The Premier, Hon. Juliana Y. O'Connor-Connolly: Secondly, Mr. Speaker, thank you also for your indulgence in allowing me to comply with the law and bring in a section 11(5) [appropriation] as it relates to the Ministry of Education.

Mr. Speaker, as required by section 11(6) of the Public Management and Finance Act (2020 Revision) (PMFA), I wish to make this statement to the Members of this honourable House with respect to the exceptional circumstances transaction that Cabinet approved for the Ministry of Education for the period of 1st December, 2024 to 23rd January, 2025. Such transactions were approved pursuant to section 11(5) of the PMFA. This statement provides details of the aforementioned transactions.

EGA 8 - Facilities Maintenance and Operational School Support Services

The Premier, Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, in 2024, the government school system saw an increase in student enrolment, which has affected several areas, such as:

- More students riding school buses to and from school. Additional buses were added to key routes to support the growing school population.
- Additional janitorial services to support increased instructional areas such as satellite classes for special needs students at various primary schools.
- Increased programme support costs

Additionally, the ongoing maintenance of government schools' facilities to accommodate ageing infrastructure and the cost of repurposing spaces to allow more play and instructional areas to be accessed due to the increased student population have resulted in further increased costs in this appropriation group.

These increased costs have resulted in the need for additional funding. Therefore, approval was required under section 11(5) of the PMFA to:

- Increase EGA 8 - Facilities Maintenance and Operational School Support Services by \$2,000,000 in 2024;
- Decrease EGA 1 - Policy Advice, Governance and Ministerial Support by \$500,000 in 2024;
- Decrease EGA 6 - Secondary Education by \$1,500,000 in 2024. This resulted in a cost neutral effect.

TP 30 - Local and Overseas Scholarships and Bursaries

The Premier, Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, funding gaps were identified to cover costs for the Fall 2024 semester. Due to the increasing number of students meeting the academic criteria for scholarships and the expanding associated benefits, additional funding was required.

Therefore, approval was required under section 11(5) of the PMFA to:

- Increase TP 30 – Local and Overseas Scholarships and Bursaries by \$1,850,000 in 2024;
- Decrease EGA 1 - Policy Advice, Governance and Ministerial Support [Services] by \$130,000 in 2024;
- Decrease NGS 91 - Public School Meals Programme by \$1,500,000 in 2024;
- Decrease TP 83 - Scholarship – Medical by \$180,000 in 2024;
- Decrease TP 93 - Public School Grants and COVID-19 Recovery Programme by \$25,000 in 2024; and
- Decrease OE 12 – University of the West Indies Membership Levy by \$15,000 in 2024.

TP 51 - Other Educational and Training Assistance & NGS 34 - Primary and Secondary Education by Private Schools

The Premier, Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, Wesleyan Christian Academy continues to foster an environment of academic excellence and spiritual growth as one of the private schools run by churches on the island. However, at present, the school's financial position makes it difficult to fund new projects or provide much-needed salary increases for its staff. Although the school has raised tuition and book fees, this has not been sufficient to enable them to achieve the initiatives mentioned earlier.

Therefore, approval was required under section 11(5) of the PMFA to:

- Increase TP 51 - Other Educational and Training Assistance by \$50,000; and
- Decrease NGS 91 - Public School Meals Programme by \$50,000. Again, cost neutral for 2024.

Additional approval to Wesleyan Christian Academy of funds in the amount of \$500,000 was made in January as follows:

- Increase NGS 34 - Primary and Secondary Education by Private Schools \$500,000 in 2025;
- Decrease EI 12 - Ministry of Education (New West Bay High School) \$500,000 in 2025.

Additionally, Mr. Speaker, the Triple C School has been undergoing serious financial challenges for some time. In 2023, the Cabinet approved a one-time grant to help alleviate the potential impact on the wider educational provision across the island. Another grant was approved in 2024 due to the continued financial hardships. The school, at this point, is at a critical juncture due to sustained hardship for such an extended period of time.

Due to the extenuating circumstances that Triple C School has found itself in, and considering the social impact on families it serves, it was befitting to assist in whatever way the government could. This assistance was in the form of a grant of \$400,000. Therefore, approval was required under section 11(5) of the PMFA to:

- Increase NGS 34 – Primary and Secondary Education by Private Schools by \$400,000. The decrease was taken from the wider CIG budget for 2025.

CCO 1 - Teaching of Tertiary Level Professional and Vocational Programmes

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

Mr. Speaker, the University College of the Cayman Islands (UCCI) is the premier provider of post-secondary education in the Cayman Islands, which the Cayman Islands Government wholly owns. As of 1st January, 2025, UCCI has a staff complement of 80 with an additional 15 vacant posts. The cost of awarding the five per cent cost of living adjustment (COLA) approved by the Government is \$366,598.

As UCCI did not have the funding capacity to meet this expenditure within its existing financial resources, approval was sought under section 11(5) of the PMFA (2020 Revision), to:

- Increase CCO 1 - Teaching of Tertiary Level Professional and Vocational Programmes by \$366,598. The decrease was taken from the wider CIG budget for 2025.

Mr. Speaker, thank you for allowing me to explain the exceptional circumstances in the Ministry of Education that have resulted in Supplementary Appropriations for 1st December 2024 – 23 January 2025.

Appointment of National Heroes on 27th January, 2025

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

Finally, Mr. Speaker, once again, I thank you for your

indulging a brief statement related to the appointment of the National Heroes on Heroes Day in January.

Mr. Speaker, it is with great pride that I rise today on the Floor of this honourable House to share details of our four newly appointed National Heroes. Last Monday, on the 27th January, 2025, during our revered National Heroes Day Ceremony, I had the privilege of announcing that the Cabinet had given approval for the Honourable Captain Keith Tibbetts, the Honourable Ernest Craddock Ebanks, the Honourable Frank Hugh Scotland and the Honourable Francine Jackson to be appointed as National Heroes of the Cayman Islands.

Mr. Speaker, our history is filled with many Caymanians who have left noteworthy impacts during their lifetimes on our community. Often times these contributions have been unsung, under-appreciated or even unspoken, perhaps in part due to the fact that our country is relatively young, and many of our iconic contributors who made lasting impacts have not been written into history because few have been writing our history from a Caymanian perspective.

Mr. Speaker, if you will oblige me, I will speak briefly to the contributions of each of our National Heroes— noting that it is inevitable for me to miss a detail or two, based on the magnitude of their works.

Honourable Captain Keith Tibbetts

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

The Honourable Captain Keith Tibbetts was born in Cayman Brac and served the Cayman Islands in many capacities. First, in his youth as a seafarer when he became known for his shipbuilding and carpentry skills; then later as a business leader and most notably through his representation of Cayman Brac for 23 years as an elected member of government. He played a central role in the shaping of the constitutional and political future of the Cayman Islands by leading the charge for the Sister Islands to remain with the UK under separate Crown Colony status if the political leadership in Grand Cayman sought to remain with an independent Jamaica—in fact, I am told that is where the term “the Republic of Cayman Brac” was first coined. To support their position, they presented a petition signed by 345 of the 435 registered voters on the Sister Islands. It was a bold move and arguably helped to shape one of the greatest debates of our times.

Mr. Speaker, I am delighted that the Hon. Capt. Keith Tibbetts' place in history has been secured, and I am grateful that the people of the Sister Islands of Cayman Brac and Little Cayman can now proudly say, that one of our very own is a National Hero of the Cayman Islands. I also wish to put on record our sincere gratitude to Mr. Roy Tatum, who assisted in the recommendation of this National Hero.

Honourable Ernest Craddock Ebanks

The Premier, Hon. Juliana Y. O'Connor-Connolly: The Honourable Ernest Craddock Ebanks of North Side also dedicated his life to public service through government, leaving a legacy for generations to come.

Mr. Speaker, he too began his career of service on the seas, first on simple merchant voyages, and later, as a member of the Royal British Navy. He then served as a member of the Legislative Assembly for 32 years and championed the needs of the people of North Side for these three decades. He served his community with unparalleled integrity and care, and is revered among the people of North Side until this day. Once again, he is the first National Hero to hail from the district of North Side.

Honourable Frank Hugh Scotland

The Premier, Hon. Juliana Y. O'Connor-Connolly: The Honourable Frank Hugh Scotland, was born in St. Andrews, Jamaica, in 1918. His career started as a radio technician, and he later joined the Jamaica Public Service Company and served as a signalman in the Royal Signal Corps during World War II. His travels throughout the Northern Caribbean led him to meet his wife, the late Joyce Elaine Ritch, and in 1960, they moved to the Cayman Islands. Although he left the conveniences of electricity behind, Mr. Scotland was determined to help the Islands progress.

Soon after settling in the Cayman Islands, he founded the Bodden Town Power and Light Company, which was franchised by the government to provide electricity to the eastern districts of Grand Cayman. In 1968, the government purchased the company, recognising the vital service Mr. Scotland brought to the Islands. His legacy continues to shine through the progress he helped spark, and his contributions remain a cornerstone of Cayman's development.

Honourable Francine Jackson

The Premier, Hon. Juliana Y. O'Connor-Connolly: Finally, Mr. Speaker, we honoured a living Hero – the Honourable Mrs. Francine Jackson. While an exemplary Caymanian in many ways, and a role model bar none, the significance of Mrs. Jackson's life journey was literally written out of history until the work of the Celebrate Cayman team brought to light a hidden gem of a story called the "Phenomenal Four". You see, Mr. Speaker, on page 311 of Michael Craton's, *Founded upon the Seas*, which is the most comprehensive retelling of Caymanian history, the author notes under the heading "Political Rights for Women" that "**No women were elected (or even stood) in 1959**".

Mr. Speaker, if ever there was an example of being written out of history, it is this. This is a most unfortunate error that was corrected in 2021 when we recognised the first four women who stood for election in September 1959—the first election after the Sex Disqualification (Removal) Law was passed in December,

1958. While she was unsuccessful at the polls, the glass ceiling was shattered and the way was paved for National Hero, Hon. Evelyn Wood to become the first woman to be elected as a Member of the Legislative Assembly in 1962.

Hon. Francine Jackson has played a pivotal role in the Caymanian women's suffrage movement, served as a strong advocate for families as she continues to speak out about the challenges and triumphs of those days as a means to educate our young people about from whence we came. Mr. Speaker, I, and all the women present today in this honourable Parliament owe her a debt of gratitude.

The naming of four new National Heroes brings the total number of National Heroes to fourteen. Mr. Speaker, we continue to build up our people by promoting and protecting our culture, our heritage and our identity, a major public policy platform of this administration.

Mr. Speaker, continuing, we are to celebrate our best—our builders, our beacons; those who used their time, talents and resources to leave an indelible mark on these Cayman Islands so, Mr. Speaker, we encourage Caymanians to embrace their four new national heroes and salute the memories of those who have sacrificed so much for the benefit of future generations of Caymanians.

As I close, Mr. Speaker, it is my hope that we will expand our awareness and public education on all of our National Heroes so we can ensure that their legacies can be easily called upon by any Caymanian. It is our duty to keep their stories alive, and to use them to inspire future Heroes.

Thank you most sincerely, Mr. Speaker.

The Speaker: I recognise the Honourable Deputy Premier.

Hon. Kenneth Bryan, Deputy Premier Red Spot Compulsory Acquisition

Hon. Kenneth V. Bryan, Deputy Premier, Minister of Tourism & Ports and Social Development & Innovation, Elected Member for George Town Central: Thank you, Mr. Speaker.

Mr. Speaker, I rise today to update this honourable House on the most recent developments concerning the Red Spot Compulsory Acquisition, situated on the waterfront in George Town.

Members may recall from my previous statements in this House that this property has been discussed at length, in terms of its importance to the local community, particularly our local fishermen.

Mr. Speaker, on 17th January, 2025 the notices required under sections 3 and 6 of the Land Acquisition Act were published in the *Cayman Islands Gazette*. On 22nd January 2025, the section 3 notice was placed on the land and photos were taken as proof of the placement.

Mr. Speaker, updated valuation reports from the previously appointed valuers were requested on 28th January. One report has been completed and returned, while the other report is expected shortly. It is not anticipated that the numbers will change significantly. Additionally, Mr. Speaker, the Attorney General Chambers was instructed on 22nd January and legal counsel has been assigned to the matter.

Mr. Speaker, the next steps are as follows:

1. The section 3 and 6 *Gazette* notices are to be emailed to the owner, as a courtesy, and a revised offer be made for parcels 5 and 6 [sic]. The revised offer will be at the average of the three valuation reports, including the Cayman Islands Government numbers. This action is to provide evidence to the court that we have made as many reasonable attempts as possible to settle this matter amicably.
2. Notwithstanding the negotiations, the section 6 notice will be posted on the land, following guidance by the Attorney General Chambers. It should be noted that this is not a requirement under the Act but it will be done to ensure that the Government has covered all bases.
3. In the event that the revised offer is not accepted, Mr. Speaker, an affidavit will be prepared setting out the reason why the Government wishes to acquire the land, the steps that have been taken to date, and include evidence of the steps that have been followed.
4. Following this, Mr. Speaker, the Attorney General Chambers will make an application to the Court, with a summons for a court date. A Public Notice will then be published, making persons aware of the court date and advise that all persons with an interest in the land may appear before the Magistrate with their claims for compensation and their objections. This notice will also be sent by post to the registered address of the land owners.
5. Mr. Speaker, after the previous step, the Government will prepare another affidavit and additional evidence to the Court. The hearing will then take place and the Magistrate will make a decision.
6. Once a decision is made by the Court, the Government will pay the funds into the Court and the Court will issue an order for the Registrar of Lands to update the land register to reflect Crown ownership.

Thank you, Mr. Speaker, for your indulgence in allowing me to bring this brief but very important update to the attention of Members of this honourable House and to the listening public.

The Speaker: I recognise the Honourable Attorney General. Two statements regarding exceptional circumstance transactions.

Hon. Attorney General
Section 11(6) exceptional circumstance
transaction Office of the Director of
Public Prosecutions

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

Mr. Speaker, it's a statement on behalf of the Chambers of the Attorney General for the exceptional circumstance transaction incurred during the 2024 financial year for the Office of the Director of Public Prosecutions (DPP).

Mr. Speaker, pursuant to section 11(6) of the Public Management and Finance Act (2020 Revision), funding totalling \$42,552 was required in 2024 for the purpose of settling a costs order made following an application for leave to apply for judicial review of a "notice to produce" which was served on MUFG Alternative Fund Services (Cayman) Ltd. for material in response to a mutual legal assistance request from the United States of America. The USA transmitted a mutual legal assistance request for material held by MUFG Alternative Fund Services (Cayman) Ltd, a Cayman-registered company, in order to further an investigation of Prophesy Asset Management LP *et al*. Mutual legal assistance between the United States of America and the Cayman Islands is governed by the Mutual Legal Assistance (United States of America) Act (2015 Revision) and the central authority shall be the Chief Justice.

Mr. Speaker, the court ruled that MUFG were entitled to recover their costs for preparing the applications obtained in leave orders together with the cost of hearing. The total was CI\$42,552.

Mr. Speaker, this matter meets the definition of exceptional circumstances for the following reasons: The validity of requests is determined by the Cayman Central Authority [INAUDIBLE] and is based on the Treaty. The Grand Court ordered the sum of US\$23,605.84 in respect of Cause Number G 0255 of 2022, and US\$27,051.36 in respect of Cause Number G 0049 of 2023 to be paid by the Cayman Islands Central Authority. The Cayman Authority does not have a budget to settle such claims. Total funding for \$42,552 was therefore being sought, Mr. Speaker, to cover this expenditure.

The following changes were approved by Cabinet via section 11(5): Total appropriation increase OE 105 - Settlement of claim, CI\$42,552.

In conclusion, Mr. Speaker, the above exceptional circumstance which was approved by the Cabinet for the Office of the Director of Public Prosecutions during the 2024 financial year along with the overall effect and the government's compliance with the principles of responsible financial management can be found in the 2024 Supplementary Bills.

I thank you, Mr. Speaker.

Section 11(6) exceptional circumstance transaction Portfolio of Legal Affairs

The Speaker: Mr. Speaker, pursuant to section 11(6) of the Public Management and Finance Act (2020 Revision), I wish to make a statement to Members of this honourable House regarding an exceptional circumstance which was approved by Cabinet for additional expenses incurred by the Portfolio of Legal Affairs in the 2024 financial year.

Mr. Speaker, the exceptional circumstance required making changes to the 2024 Appropriations which I will briefly explain. Additional funding totalling CI\$117,000 was required in 2024 to cover rental costs in excess of the budgeted amount due to the relocation of the Truman Bodden Law School. By way of background, Mr. Speaker, the Truman Bodden Law School operated from the Tower Building up until hurricane Ivan in 2004, it then relocated to leased premises on the 2nd and 3rd Floors of the CIBC Building on Edward Street, since renamed Monaco Towers, where it remained until June 2024. The lease with Monaco Towers was due to expire in June 2024. Given certain issues with the premises and the proposed renewal terms, the Truman Bodden Law School worked with the Lands and Survey Department to identify alternative accommodation. After conducting a property search, the second floor of Artemis House was identified as a suitable option for consideration. Artemis House was recommended for the relocation of the Law School based on the more favourable rental cost, the ability to house all of the Truman Bodden Law School (TBLS) on a single floor and fit out both for TBLS current needs and for future expansion. On the 13th February, 2024, Cabinet approved the relocation of Truman Bodden Law School to Artemis House. Additional funding of CI\$117,000 was required to cover the shortfall between the budgeted amount for rent and the increase in rent for Artemis House and related relocation expenses.

Mr. Speaker, the need for the additional funding is an exceptional circumstance since the increase in rent could not reasonably have been anticipated during the 2024 budget preparation. Further, if suitable alternative premises had not been identified the operation of the Truman Bodden Law School and delivery of tertiary legal education could have been compromised by remaining in accommodation that was not fit for purpose.

The following change was approved by Cabinet via section 11(5):

- (a) Decrease 2024 Appropriation LGA 1 - Legal Advice and Representation in Civil Matters, CI\$117,000
- (b) Increase 2024 Appropriation LGA 3 - Law Teaching and Publications by \$117,000.

In conclusion, Mr. Speaker, the above exceptional circumstance which was approved by the Cabinet for the Portfolio of Legal Affairs for the 2024 finan-

cial year along with the overall effect and the government's compliance with the principles of responsible financial management can be found in the 2024 Supplementary Bill.

Thank you, Mr. Speaker.

The Speaker: Madam Clerk, next item.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

REFERENDUM (CRUISE BERTHING INFRASTRUCTURE, GAMBLING, AND CANNABIS) BILL, 2024

[Continuation of debate]

The Speaker: Just before we took the evening adjournment, the honourable Member for West Bay South had risen.

Mr. André M. Ebanks, Elected Member for West Bay South: Yes, Mr. Speaker, good afternoon.

I rise to contribute to the debate on the Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Bill, 2024. Mr. Speaker, I will cover three main areas as conveyed by the minority Government.

1. The fundamental flaws surrounding the Bill;
2. The danger specifically posed to each of the subject matters, that is, cruise tourism, national lottery and decriminalisation of cannabis because of the fundamental flaws; and
3. How a "no" vote can help protect the public.

Mr. Speaker, fundamentally, the Bill is incomplete, ill-timed and therefore ill-advised. Also, Mr. Speaker, to start with it being incomplete, the process around it is also incomplete. If you get past all of the heat and the bluster, the thrust of the minority Government's case is that our citizens should have the right to choose. That's the case for the referendum, to exercise democracy and no one is against that notion.

Of course, Mr. Speaker, in general, it's excellent to ask citizens to exercise their right to vote.

There's no opposition to democracy here; this is not the questioning of intelligence or discernment by our people, but rather Mr. Speaker, it's to bring into sharp focus the responsibility of the minority Government that it carries democracy that is going to be exercised in its fullest and most meaningful form. The real question therefore, Mr. Speaker, is whether the minority Government has done the necessary work to ensure the referendum is being built on a foundation of deep policy work, transparent public engagement and thoughtful governance to ensure that the referendum is set up for success because it's not people-initiated, this is Government-led. Thus it's the duty of the Government to provide people with the benefit of all the relevant facts with a clear understanding of what is at stake and with a process that inspires confidence rather than confusion. This referendum is being presented as a vehicle for democracy but democracy is not just about casting a vote, it's ensuring that the electorate is given every necessary tool to make an informed decision.

Mr. Speaker, you should still have a copy, [and] like my Colleague, the Member for West Bay Central, I'm going to refer to the *Hansard Report* of the 7th October last year, page 25, quoting the Leader of the Opposition, **"a referendum should be the culmination—"**

Hon. Kenneth V. Bryan, Deputy Premier: Mr. Speaker.

The Speaker: Honourable Minister.

Hon. Kenneth V. Bryan, Deputy Premier: Just asking for the Member when he reads from the *Hansard* to give indications so we can follow because he hasn't provided us. I expected that he was going to do that, so I have a copy; I just need to follow where he is in his *Hansard* for reference.

The Speaker: Seems a reasonable enough request.

Mr. André M. Ebanks: Sure.

Mr. Speaker, just checking— you still have your copy? Okay.

As I said, on page 25, on the second column, second paragraph: **"A referendum should be the culmination of a decision-making process where there are options on the table that are fully outlined and understood. This allows voters to make an informed choice based on the facts and the future direction they prefer for the country. Unfortunately, the referendum question proposed by the Government fails in this regard"**; and why aren't there options on the table, Mr. Speaker?

The Government's answer, as I understood it, is that they need the Bill passed to ensure there will be a referendum before they can provide data, but that does not accord with the Minister of Tourism's original rationale for the referendum. I'll refer the Minister to an

article— The Speaker should [also] have a copy— in the *Cayman Compass* the 8th August last year, three pages in, under the heading, *"Neutral Position"*.

"Bryan said the government is adopting a neutral position on the vote, but he wants the community to consider all sides and the implications of their vote. [Continues:] We are not going to be picking sides. We're going to ask people to talk about it, think about it, present the pros and the cons to the public, encourage them to discuss amongst themselves with the industry players, those who are against or for and take [those] factors into whether you want it or not." Now that the Bill is here, all of a sudden there will be this plethora of information that will flow if this is passed, because finally, it has been accepted that the Government can't take a neutral stance in a government-led referendum. That's the flip-flop, not the consistent positions that we've held.

Mr. Speaker, our individual positions on the TCCP have not changed. We all pointed this out in Caucus when we were together; the Member for West Bay West had been saying, meeting after meeting, this matter does not even require a referendum. It requires leadership. The Minister of Tourism will recall that I held the same, consistent view, so I'm not sure why there was so much time spent in the Deputy Premier's debate about whether this is controversial or contentious.

This is not the Brexit referendum. This is not the Scottish referendum that the Deputy Premier referred to. Those decisions were dealing with *enormous* issues— sovereignty and whether to leave the world's largest trading block. This is discussing a business that the country is already in, and how to support it going forward, to decriminalise tiny amounts of marijuana to avoid long-lasting records for young persons, and exploring a national lottery; so let's start with cruise.

Mr. Speaker, to expand on points made by the Member for West Bay West and West Bay North. All four West Bay MPs debating this in Caucus at the time, summer last year, were pushing for the cruise industry. The Member for West Bay North said it on Monday: the parameters we all had, were to work with those most concerned with the environment; find a suitable location within budgetary parameters, and build the facility. There is no need for a referendum, still, there's this unexplainable persistence that we have to have a referendum.

Long, mind-numbing exchanges back and forth, back and forth. At one point, I remember the Member for West Bay West saying, is that good leadership? Whatever our differences may be now, I remember looking over at the Premier, who was exhausted at the discussion. You all remember? The Minister of Tourism used to leave the room and we used to say *somebody needs to go talk to him*, because he's driving this into a dangerous position where we are going to get boxed in.

To bridge the gap, Mr. Speaker, I remember being on the campaign trail to try to offer a solution with

a very well-known, senior seafarer in my constituency— if I call the name, you all would know who it— saying, *“Son, if you get elected, this cruise debate is going to emerge again in your time, and you’re not going to be able to resolve it right away because people are scared of losing Seven Mile Beach if it goes in town. Let me give you a suggestion, just to get started, so you can give the cruise industry a lifeline: Start by putting one off of the Turtle Centre in West Bay, just to get started. The Turtle Centre needs help. It needs a tourism boost. Most of the operators are your fellow West-Bayers. At the moment, West Bay has the best thoroughfares back and forth from town. Put one off there, get the big ships in, do the studies to make sure that I’m right and get started.”*

That was proposed, and every Caucus Member supported it. The Premier looked up and said, *“Thank you Father, we found something. Minister, go off and do the homework”*; so, to now look around to say in public meetings that he is baffled why the West Bay MPs don’t care, is nonsense. We went home from Caucus happy that day. Mr. Speaker, this is no secret in the country, this *ain’t* the easiest Caucus every week on week. We finally went home happy that day to have found something, and still, in the face of a clear Caucus there, we go right back to still having to have a referendum.

Some of us woke up to that view in the newspaper, and all that we could do was not for anything forced by collective responsibility; because the issue wouldn’t go away, we had to be team members to try to find a consensus because the truth is, we knew that the only deliverable to the cruise industry was just if you remove the schedule, these eleven pages minus the two schedules. The only deliverable instead of a plan that could get started is eleven pages— so we did. We came down here, and that is why, even though there was no—

The Speaker: Honourable Member, I’ve been listening and I’m intrigued actually, but what is worrying me is that— and I appreciate and I’m sympathetic and all of that—you were a Member of the Cabinet that agreed for this to go ahead. You were, and remain, bound by collective responsibility, and you are still bound by the confidentiality that is part of that exercise, and I’ve been very reluctant to intervene, but it’s troubling.

You have to take responsibility, as does everybody else who was in Cabinet, for this getting here in the first place. If you want to talk about the individual battles that you all had, which are an inevitable part of the process in Caucus, then, as far as I’m concerned, that’s okay, but the discussions which occurred in Cabinet leading up to the collective decision that the referendum should go ahead, really ought not to be aired here, or anywhere else, for that matter.

Mr. André M. Ebanks: Thank you, Mr. Speaker, I’m cautious of that. I’m not referring to any Cabinet decisions; I’m referring to Caucus.

The Speaker: Caucus can’t decide to bring a Motion or a Bill here. Only the Cabinet can do that.

Mr. André M. Ebanks: I’m not arguing that, Mr. Speaker, I’m just making a point to show our support in Caucus for the idea to solve the issue. I’ll move on.

The Speaker: All right.

Mr. André M. Ebanks: The reason it is relevant is because, when we arrived here on the 7th October, our hearts sank when the Leader of the Opposition rose in rebuttal.

I refer again to the *Hansard* page 25, left column two paragraphs down: **“As the Minister also seemed to confess, this referendum will not really settle the issue. Despite his glowing words today, Mr. Speaker, the Minister’s past actions, even in Government, lead me to believe that this referendum is not about settling the question of cruise berthing but is, instead, a smokescreen designed to deflect attention away from the Government’s failure to take any actions necessary to support Cayman’s [cruise] [sic] [tourism] industry and the livelihoods of those who depend on it”**— a “smoke screen”.

Thus, Mr. Speaker, I gave that leading up of the Caucus events just to tell you and the public, the gravity of the situation when we heard that across the aisle, because we knew we had at least an initial solution and every one of us knew that we could not stand and add anything in that debate because we knew that the Leader of the Opposition was right because we had been saying it in Caucus.

Mr. Speaker, tough decisions have to be made. You have to take action. The Deputy Premier brought financial services into this— *Oh, is it that they get what they want, because of the economic class that might operate it?* That’s not true. Successive Ministers have kept up with the times because they pay attention to all of the emerging trends, all of the emerging regulations, and tailor the legislation to keep up with the times, even in the face of huge stakeholder battles, in highly pressurised predicaments. Do we stop to say, *oh, we’ll need a referendum for this?* You have to take a decision. You have to gather your stakeholders for consultation, marshal the arguments, show the industry the direction we lead, and some of them will not agree, but that is the bit that is missing in this, and why all we have to show for this is a set of questions.

Mr. Speaker, this is exactly why this is also ill-timed. Without information, and it is outlined by the Leader of the Opposition in the same *Hansards* that my colleague for West Bay Central read on Monday, it makes the referendum much harder for cruise to get to

“yes”. Even if the minority government whips out some details and tries to get a rushed set of information and data out to the public, rest assured, those opposing berthing will be ready. They’ll be organised, they’ll be resourced to get out a “no” vote, so the Bill is set to plunge the community into acrimony with the “yes” pushing hard on one end, and the “no” votes pushing hard on the other end, making the fight for the undecided even more difficult.

From a financial perspective, Government coffers save money by combining the questions with a general election—good; but there will still be costs expended by the community with their own campaign efforts, all of which is wasteful, due to a lack of leadership. The case by the Government gives the impression that all of our people are just clamouring outside the doors, waiting to rush to the polls to say “yes”; but we have responsible, discerning, voters with real questions— all timed during a general election season when, the democratic world over, the atmosphere of misinformation and slanted views is off the charts, Mr. Speaker.

That’s why this is all so ill-advised, because the risk of the “no” is high, leaving a future government in an awful, almost untenable position, with cruise industry screaming for action but, on the other hand, the future Minister having to face a majority of votes in 2025 that advised “no”. Mr. Speaker, it’s easy for the tourism minister to get up in public meetings and casually tell a hall of people, *“If the result is no, it’s no— No biggie”*; but West Bay MP’s in particular can’t take that risk, because it’s all of us who are going to get the squeeze if this goes wrong— and not all of the cruise operators see it the same way. I attended the Association for Cruise Tourism (ACT) group’s West Bay public meeting, and I remember one young operator getting up, Mr. Speaker, and saying, *“You all, all of the persons in the press who are saying to vote this down are actually doing us a favour, because this could be a trap.”*

Turning to speak of cannabis, Mr. Speaker; again, we’re asked to vote on a concept without any specifics. What are the permitted quantities— types— of cannabis to be allowed, because from my reading and everything on the news, it’s all splintered now, different blends, different potencies. What are the public health implications? Have we researched the potential unintended consequences learned by the other countries that have gone down the same path? All of what the minority Government is proposing, can be achieved by a legislative instrument in this House: a Bill aimed to amend penal legislation to reflect the proposal.

My colleague, the Member for Newlands outlined all this Monday evening, the history of all the inaction instead of good old-fashioned hard-nosed policy work, set a goal, research, conduct public stakeholder consultation, account for adverse feedback, and go get it done. Again, in this climate, with a lack of information, the public can end up genuinely confused; swayed by those who may want to be economical with the truth;

and on top of that, we all know— it was cited by the Member for West Bay North and the Member for West Bay West— that some of these were just coupled to gather voter registration, just to add to the paper. Are we taking this seriously to get it done? To actually help the affected stakeholder in a real way— our young people?

Lottery. Yet another smokescreen. The public doesn’t have sufficient information to make an informed decision. No policy work; just done to add to the paper to round it out, not make cruise the single issue. What’s the design of the lottery? The proposed regulatory oversight framework. How and by whom will it be managed? Will it be profitable? Where would the proceeds go? Can the society be protected if addiction occurs? What have other countries learned? What does a small country like ours need to be successful? How much will it cost? Nothing. Just blanket, vague questions, simply to continue to perpetuate the smokescreen.

To begin to wind up, Mr. Speaker, it has been said, if we can trust our people to elect 19 representatives in a general election, then surely, we can trust them to make the decisions on these three questions. In my view, Mr. Speaker, that is not an apples-for-apples comparison. Elections and referendums are not the same. When voters go to the polls in a general election, they’re choosing individuals who will, once they are elected, be given time, resources, and the responsibility to assess the complexities of governance over a four-year term and can be changed afterwards. They’re choosing leaders, Ministers at the end, who will be aided by experts in the civil service to help them weigh competing priorities and make difficult decisions on behalf of the people.

A referendum, however, asks the voter to make direct decisions on policies that may have far-reaching consequences. Unlike an election, where MPs have the ability to adapt to change in circumstances and new information in the middle of a term, a referendum is a fixed precedent. It does not allow for the same flexibility for reconsideration or adjustments to emerging developments. That is why, Mr. Speaker, the process leading up to a referendum must be held to an even higher standard, more so than election process, which is why Brexit was so carefully done in the lead time up to it— and for some of the advocates even that still backfired. That’s why the Government has to have a duty to ensure that every aspect of the policies has been examined, debated, and understood, before asking the people to decide.

Therefore, Mr. Speaker, I will say to those who question the role of my colleagues in the debate, leadership is not about blindly following a process that is flawed. Leadership is about ensuring the process itself is sound. If Members have raised concerns about this referendum, it’s not because they oppose democracy. It’s because they believe democracy should be done properly. It’s because they believe the Caymanian people deserve better than rushed decision-making, and

not because we don't care about our people. It's pointless to even raise that we don't care whether in this House, or public meetings. [There are] numerous examples of the way that we care, myself included.

[In] 2021, the boat operators were suffering because of continued border closure. How did we help them? Their employees were getting a tourism stipend, the owners weren't losing their shirts, coming to West Bay and meeting with us and saying, "we need help" and we— I— took a hard decision to *reduce* funds from the Investment Ministry to put it in the Social Development Ministry, and I remember us being in Caucus and this is a direct quote so I'm going to leave first names "*André, Alden goin' give you some licks for this. Those overseas offices might not get set up if you move this money*"; but it had to be done because our people were losing it, so we shifted the funding because we care, so to suggest that we get to this decision and we're not doing this because we're playing politics, is nonsense.

We have oodles of examples to show we care, don't come with that argument. It's because we care that we're taking this because we don't want our people to be trapped in a decision just for a smokescreen. We're charged, Mr. Speaker, not just with a duty to represent their views; we're also, in part, guardians of our people, to protect them even when it may not be popular to do so.

Guardians, Mr. Speaker, quite similar to the watchman in the good book under Ezekiel 33:4: **"Then whoever hears the sound of the trumpet and does not take warning, if the sword comes and takes him away, his blood shall be on his own head. He heard the sound of the trumpet, but did not take warning; his blood shall be upon himself... But if the watchman sees the sword coming and does not blow the trumpet, and the people are not warned, and the sword comes and takes any person from among them, he is taken away in his iniquity; but his blood I will require at the watchman's hand."**

Mr. Speaker, this matter is incomplete. It's ill timed, it's ill-advised and it has the potential to backfire, again, just as some of the advocates who were dismayed after Brexit. We have now the strong ability to help the intended stakeholders we're trying to help in cruise, in particular, and our young people [who] are having to live with long-lasting criminal records. We could put all that work in jeopardy because of rushed, sloppy decision making. Just like in the field of law, Mr. Speaker, it's often healthy to have a dissenting opinion in a court judgment because it gives a party with an arguable case, some basis of appeal. Thus, if it goes wrong, Mr. Speaker, particularly for the cruise industry, a group or a government picking up the pieces, can say, this referendum was not a true reflection of how the process should have been done and can point to the TCCP's dissenting view as a reason why it's worth to still try to resolve the issue next term. In the meantime, I for one, and the TCCP, will not participate in a

smokescreen which is just another example of the malfunction that continues.

Mr. Speaker, the Deputy Premier in his right of reply will, of course, entertain us with antics and bluster and phrases but nothing can erase the conduct the whole country has witnessed on international television for the last four years.

Mr. Speaker, it gets to a point that one just can't conform to "go along to get along" knowing you're part of continuous smokescreens; staying in that, is quitting on the country. As the TCCP did, terminate a relationship with malfunction, terminate a relationship with unbecoming conduct, terminate a relationship with inept policy making to protect the country.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

The honourable Member for Cayman Brac West and Little Cayman.

Mr. Moses I. Kirkconnell, Elected Member for Cayman Brac West and Little Cayman: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a short contribution on Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Bill, 2024. Mr. Speaker, I listened from the start of the debate right through. I compliment every Member who has brought their concerns and their thoughts forward. I want to look at Monday, 7th October, 2024, *Hansard* as well. Just to say that in the middle of the page, the Leader of the Opposition—

The Speaker: Honourable Member, just help us with which page.

Mr. Moses I. Kirkconnell: Page 27.

The Speaker: [Page] 27, thank you.

Mr. Moses I. Kirkconnell: The Leader of the Opposition in the debate said, **"Mr. Speaker, we all know this referendum will not solve the crisis facing our cruise [and stayover] tourism sectors. Even if the people were to vote in favour of cruise berthing infrastructure, we would still be no closer to knowing what such infrastructure would look like, how it would be funded, or what the long-term impacts would be"**. He went on, Mr. Speaker, and he said, **"As proposed, the referendum [only] postpones the urgent action that is needed; however, despite the many concerns we have expressed here today, the PPM Opposition will not vote against the Motion—"**. The *Hansard* will show that every Member who was called in the Division voted to have the Referendum on Cruise Berthing Infrastructure brought forward.

Mr. Speaker, we heard about the road to Damascus, we heard about the changing of thoughts and

I don't think there are any two Members in this House who put more effort than yourself, sir and I, when we were looking at what the country needed as far as cruise, but the burden of understanding the economics of this country are facing the Executive, and the Executive has chosen to bring this referendum. I'd like to look at the country as a business, and realise, to their credit, not only have they looked at it and said, we have expenses and we have on a balance sheet a debit and a credit, but we have to focus on how we raise money to run this country. If this is a step to get us closer to saving time in moving forward for the cruise industry to participate in our economy, it is the right thing to do. I'll tell you why.

The business mix for every business in this country and globally has a percentage of each product that they depend on to sell. In our mix, we used to depend on 1.9 million cruisers in 2019 who would come ashore and spend approximately US\$150 a day and that has fallen away. It's fallen away for many different reasons—we faced COVID—but it has fallen away because they quite clearly said, *if you don't have some type of berthing facility, our larger ships will not stop in the Cayman Islands in George Town, Grand Cayman*. The simple fact is this, if you make things easy, you will be successful in business. We have made things hard, we have not kept up with what our competitors are doing. Think about this for a minute, we hear about all kinds of different ideas about tourism, you can have all kinds of ideas, but I'm telling you, if there's no way to get here, they're not coming. If there's no way to make it easy, they're not coming ashore. Imagine I saw today that there's been a purchase for tourism marketing for five years. We have the ability to have one million more people come here on cruise ships to see this country and we're losing the opportunity. The idea of moving forward whatever tools we have in the toolbox to let us say, we want this to happen quickly, we have the support for it, it is the right thing to do. However, I go back to making it easy. If you go into a supermarket and you look, everything is set to the right, and the reason it is set to the right is because most people are right handed. You go in and you get your cart and you're going to find books that's on the right, medicines on the right, produce on the right and they're going to drag you right to the back to sell you a bottle of milk; but it's set to make it easy. If you want a big cart, you get a big cart; if you want a little cart, you get a little cart, it makes it easy.

For us to look at low hanging fruit, the cruise industry, geographically, the good Lord has put us right in the trade lane for these ships to stop here. Islands around us are benefiting and growing. They're looking for the upscale [tourists], how they bring them there, how they market it to them but they make it easy when they arrive. Falmouth, Montego Bay, Cancun, other Mexican ports, they don't anchor, they don't sit out in the stream and wait for a small boat to come to them, or worry about the wave action. They get off on a pier

and they walk ashore and guess what? That's our export. We don't have any minerals that we export. Our foreign money comes in in a tourist's pocket. That's our export, and you make it easy for them to get there.

We're in a competitive set of people who need the business and we need the business as well, percentage wise. Again, I go back to what the Executive has a responsibility to do for this country, [it] is understand how we make the country work from an income standpoint. Of course, they have to monitor expense, but from an income standpoint, if we are not going to be successful in the country itself wanting cruise, let us know because then the burden that's going to be on the Executive is, the money that we're going to lose by not catering to the cruise industry, how do we make up for that loss? The sooner we do that, the better. We've got roads to pay for, got to get to East End and North Side. There are many expenses that are coming up and every day we focus on the expenses. If the Executive has focused on income that's available and knows that it's going to take 3 to 4 years to change the lanes and the ports as they come, the sooner we get started the better.

Mr. Speaker, we'll be supporting this when it comes, and the reason we support it is because it's an opportunity for income for this country that is based on a couple of different pillars, tourism being one, and tourism has a huge ceiling of what's available and can still be there for us to grab.

Thank you, Mr. Speaker.

[Desk thumping]

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

The honourable Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Mr. Speaker, I rise to lend my voice to this debate that is currently before the House. Mr. Speaker, I'm reminded by the words of Martin Luther King and he said, **"Cowardice asks the question, 'is it safe?' Expediency asks the question, 'is it politic?' Vanity asks the question, 'is it popular?' But, conscience asks the question, 'is it right?' And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right"**.

Mr. Speaker, it's very difficult sometimes to prepare for debate—and I know you and other Members in this honourable House will know this. For me personally, if I want to speak the next day, I can't even sleep the night before; [I] still get butterflies, the shakes and all that. However, this morning, Mr. Speaker, I had a conversation with a good friend of mine—nice guy, good Caymanian—who recently lost his father. As he and I were speaking, reflecting on both of our fathers

who were good friends, I reminded him that, the first time I ran in 2013 was really at my father's request, to some extent. In my last year of university, I was elected student government president and my parents came up for inauguration and I will never forget the look on my parents' faces that night, the biggest smile was on them for me who as a black, Caribbean person was being inaugurated as a student government president at a white Jewish University. Ever since I came home from school in 1998, my father said, *Chris you going to run in 2000?* No, daddy. The 2005 election rolled around. *Chris, you gonna run?* No, daddy. I'm not dealing with that. [In] 2009, *come on, Chris, you need to go run, I want to see you on the campaign trail.* No, daddy. I remember that Sunday visit December 2012. We were talking about the upcoming 2013 election. The question changed. He said to me, *Am I not going to get a chance to vote for you one time before I die?* That was when I realised that the 2013 election was going to be his last, and that is one of the reasons that prompted me to get involved in politics ahead of schedule. Then, once the bug hits you, you go to people's homes, you meet people on the campaign trail, it is hard to walk away from it.

Mr. Speaker, I don't think I spoke on the referendum debate at the time it came out. I really don't have any memory if I did; let's call it old age. However, I took the time out, and everyone knows where I stand on the port referendum. I still hold the view that the case to be made for the cruise port has not been made financially, environmentally or otherwise. However, Mr. Speaker, I also represent people who depend heavily on cruise tourism and I have personally seen first-hand the impact it has had on them, especially during COVID when there was very little or no activity in the tourism industry; I saw what many people went through.

Mr. Speaker, politically, I can say, of the 19 Members elected in this House, the most political arguments I've had were actually with the Honourable Minister of Tourism and Deputy Premier, my good friend. Every now and then, I would remind him of the last session of Parliament when he and I were in Opposition together. I remember late one night we were at his house—as young politicians, young parliamentarians—planning our political future. I remember saying to him, man, I got a nice Ministry picked out for you in the next government, you know, because I think we're going to do this. He said to me, *come see the fool-fool Ministry you have for me now.* I said, tourism; I think you would be a very good tourism minister. We left it at that, we laughed, among other things. The next day he called me back and asked, *Chris, you're serious about what you said last night?* I said, yeah Kenneth, I think you would do very well in tourism.

Mr. Speaker, when the referendum came up, I, and others, cautioned him, listen *man, you're burning much political capital on a very contentious issue, this close to an election. Do you really want to do that?* He gave me his reasons why. Mr. Speaker, tomorrow 6th

February, I'm going to be 52, and one of the things I've learned in life is to understand the difference between perception and perspective. Perception is how we see things, perspective is how the other person sees things, and sometimes we are so caught up in our own perception that we lose sight of the other person's perspective.

Trying to look at it from the Minister of Tourism's perspective, I decided to look and see why my good friend would want to burn this much political capital so close to a general election. Mr. Speaker, I looked at the Business Research & Economic Advisors (BREA) Report—I know you and other members of your government would be familiar. I think every two years the Florida-Caribbean Cruise Association puts out a BREA Report that looks at the economic impact of tourism in the Caribbean and they break it down by different Islands. Mr. Speaker, I looked at the report both for 2018 and 2024, and there were three questions in their passenger survey that jumped out to me. One question was: how likely are you to return to the destination for a land-base or resort destination [*sic*]? In October 2018, of 36 destinations, Cayman was ranked number two. In 2024, they surveyed 33 destinations and Cayman ranked 10th.

The second question that caught my attention, Mr. Speaker, was: How satisfied were you with your overall visit to the destination? In 2018, of 36 destinations, we ranked 12th; and in 2024, of the 33 destinations, we ranked 18th.

The last question that caught my attention, Mr. Speaker was: how many hours did you spend ashore? In 2018, we ranked third of 36 destinations. In the last report for 2024, of the 33 destinations, we were ranked 30th. We went from being ranked 3rd in 2018, to 30th [in 2024]. Under those lens, Mr. Speaker, and understanding the difference between perception and perspective, if the Minister did not push this issue, he would not be doing his job as a tourism minister. As a previous finance minister myself, sometimes I had to take off my own blinders from looking solely on the finances and try to understand where my other colleagues were coming from at the time because one thing you learn in accounting from very early, *be careful you know the price of everything and the cost of nothing.*

Mr. Speaker, the other thing that jumped out at me in that BREA Report was in 2018 there were 4,622 people employed in tourism in the Cayman Islands, and in the last 2024 report, the amount was 2,988; a decrease of 1,634. Looking again from perspective, can we afford that 1,634 decrease—while some of us are in other industries—how many of them were Caymanians, how many of them were our people, and how many families were affected?

Mr. Speaker, I am not an advocate of cruise tourism, I am an advocate of tourism. When I was with the then government, I remember being asked by the Minister to accompany him to several of his meetings with his team. I recently reminded him again, and I asked, what happened to the path that we were on?

One of the things when we first met with his team from a strategic standpoint in the then PACT administration, we said to the Ministry and Department staff, we want you to develop a plan and let us know what we need to have one million stayover tourists by 2035. I think right now, we have 700 properties, 10,000 rooms and 20,000 beds. In 2019, when we peaked, we had, I think, 502,000 or 512,000 stayover visitors. We were looking to double our peak. I'll explain to you shortly, Mr. Speaker, why we were looking at that initiative.

We tasked the Ministry and the Department to say what infrastructure we would need. How many properties, how many rooms, how many beds? Then, the goal was that once they reverse engineered what the infrastructural requirements will be, then go out on a roadshow to the different districts starting in East End and the outer districts, including Cayman Brac—leave George Town for last—and say, listen, we're looking to get one million stayover by 2035. This is how many properties and rooms we're going to need. How comfortable are you with what your infrastructure in North Side can take without feeling as though it's basically going against the spirit of what you want in your community? You do the same thing in all the districts and then wherever you fall short, you go to George Town, Seven Mile Beach in particular, and you say, we are this number of rooms short, what can you guys do to accommodate it? This is where the conversation of either building heights or whatever will come into play, but you want to see exactly what it would take to get a million by 2035.

The reason we went with that number, Mr. Speaker—I want to use Dominican Republic as an example. In 2023, Dominican Republic had over 10 million visitors of which over 8 million were stayover and 2 million were cruise, so their ratio was 80 per cent stayover, 20 per cent cruise. We looked at the same numbers for Jamaica, also within the Caribbean, and in 2023, the last numbers we have for a full year were over 4 million visitors, of which more than 3 million were stayover and one million plus were cruise. Jamaica is roughly 75 per cent stayover, 25 per cent cruise. Then we looked at the Bahamas. I think in 2023, Bahamas were almost 10 million; I think 9.6 million visitors to be exact, of which [over] seven million were cruise and a million and change were stayover. Then we looked at Barbados. They had about 1.3 million in total at around 50/50 between cruise and stayover.

The reason we were taking that approach, Mr. Speaker, is that when you have an infrastructure that is designed to take 8 million stayover [visitors], and 2 million cruise passengers land, there's something for them there to do. When you have infrastructure like they do in Jamaica with over 3 million stayover visitors, when one million cruise passengers land, there are enough activities for them to do because the island is already designed to cater to 3 million plus; or in the case of the Dominican Republic, 8 million plus. In Cayman, if you look at 2019, which was one of the best years we had,

we did around 1.8 million in cruise that year and over 500,000 in stayover, so we were also similar to the Bahamas with the ratios where the stayover activity was at the lower end compared to the cruise activity. What we wanted to do was create an environment...

When people are coming onshore for five hours as opposed to someone who is coming for five days, the infrastructure that you would need to support that increases. It's very difficult for some businesses to say, we're going to make that capital investment when [only] catering to you for five hours.

I remember when we met with Cayman Airways, the issue came up with the runway length. I said, we have always seen Cayman Airways as an economic accelerator. What will it take to go get a [Boeing] 767 or 777 and start opening routes to Europe and Asia? Then we saw exactly what British Airways was doing on the route, especially to Cayman, in terms of cost. If someone wants to have an idea of how expensive British Airways is, go and price the same flight to London from out of Kingston or Montego Bay, compared to Cayman, and see exactly what we're paying in terms of the difference. I know, trust me—we have our kids going to school back and forth and every term we go through the exercise of where we can get the cheapest prices. Thus, we wanted to look at that to see what Cayman Airways can do because we see Cayman Airways itself as an economic accelerator and not as some people see it as a loss leader, but it defends much for us.

Mr. Speaker, I remember going to meet with one of the Tourism Association members, and I remember saying at the meeting, we need to increase our investment in our overall tourism infrastructure. Right now, financial services have been carrying the burden and we need to find a way to boost tourism because at the end of the day, we know our financial services industry is constantly under attack and we need to start looking at ways to insulate the country, and hotels aren't built overnight, airline routes aren't developed overnight, so let us start making investment from now. Of course, however, we need the infrastructure, especially the East West Arterial where we can start opening up different avenues across the country to get more development, more tourism activity.

Mr. Speaker, why I was very happy to attend those meetings with the Minister of Tourism [is] because I know what tourism does. When I was going to university—and the government scholarship wasn't as generous as it is today—I had to work like crazy to pay for the difference, so while I was working in government, 8:30 am to 5 pm, five days a week, I was also working as a night auditor, six days a week from 11 o'clock at night to 7 o'clock in the morning, I would get dressed at the hotel and then go do my government day job. I did that for 15 months just to make over \$3,000 to help pay for my college fees. I worked till my chest opened up and I vowed I will never ever work that hard again for so little money.

Mr. Speaker, tourism, again, also holds a very personal place with me because both my parents were waiters and waitresses. My dad was a bartender—remember the short guy Roy from Holiday Inn—five kids and all five of us on a bartender's salary he put through college, all five of us, so I know the value that tourism plays. I am a product of it. I'm a beneficiary of it both directly and indirectly. I know the value that tourism plays and I know the impact it has on many people's lives, so it is something that not just for political reasons, but for personal reasons, is very important to me. My sisters and all of us grew up in the family business of being in the restaurant business, so I know what that is like, it's not something that we take lightly.

While we are now officially in the silly season, I can tell anyone, I have had the most arguments in this House with the Minister, and he can tell you all hours of night, and two days he wouldn't talk to me and he'll call me up the third day like nothing happened and we just continued like nothing happened but that is the nature of politics; that is how it is. As much as I argue with the Minister, he has the constitutional responsibility to grow this industry and to make sure that this industry prospers for every Caymanian, and it is his constitutional duty to do exactly what he is doing today.

Mr. Speaker, like you, and many other people, I am perplexed that having brought a Bill to this House asking the Government to initiate a referendum, all of a sudden, this is now something that is ill-timed, ill-advised and controversial; it makes no sense. I can't make sense of it, you know, after agreeing to do something, it's being done and all of a sudden it becomes an issue.

Mr. Speaker, like I said, I try to look at things from a perspective and there is a case to be made, the Government needs to make it. At no time asking the people even for a nudge, in terms of what direction to lean to, is a bad idea. We do polls but we all know Caymanian people are very confidential. They will tell you what you want hear based on who they think may be listening or who may know them, we never get the truth; but when they go into that booth, and they are behind a curtain, you see the true intentions. I think having this referendum is a good move, a good idea, because getting a steer from the people whom we serve, the people we trust to elect us, cannot be a bad thing, especially when it is being done at the same time as the general election.

Mr. Speaker, I want to segue but I'm not finished with tourism yet, I'll come back there. On the issue of cannabis, ganja. This House already unanimously passed a motion that was brought by me and the Member for West Bay West asking for the Government to expunge the records of people who have had a conviction for a small amount of ganja on their file, so everyone already knows what our position is on that. For people to be punished for small amounts of ganja forever and a day for sometimes a silly mistake, it's not worth it. For that, I am begging the people of Bodden

Town West to at least vote "yes" to the decriminalisation of small amounts of ganja.

Mr. Speaker, I am reminded of another Martin Luther King quote that says, "**the ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of conflict *[sic]* and controversy**".

Mr. Speaker, everyone knows—by now it's in the public domain—the email between the Governor and me on that gambling issue. Mr. Speaker, I brought a copy just for you as you will be proud. I am tabling a copy so other Members can have one.

Mr. Speaker, I have said this publicly and to you, and it's no secret, I have come to appreciate you more than you have realised. Sometimes I feel bad for all the trouble I used to give you before I got elected and even after being elected.

[Inaudible interjection]

Mr. Christopher S. Saunders: No, no, I can say it.

I said this publicly and I will say this, I know you're leaving and not contesting the election, but one of the things, Mr. Speaker, I have always admired about you, [and] why I've never attacked you personally—and something I've never attacked anyone personally [for]—you chose public service in the prime of your life. The best years that you had to give, you gave to the people of this country in service; some policies I agreed with some policies I disagreed with but that is the nature of politics.

Mr. Speaker, they have other people who, after they make all their money, they're bored and don't have nothing to do, they decide, you know, the brain is tired and washed up, let me come and try to represent the people of Cayman Brac East—and that is what distinguished you as a man among boys. You chose public service in your prime.

[Desk thumping]

Mr. Christopher S. Saunders: Mr. Speaker, you know the Governor that this Government inherited because you yourself had to stand firm with him many times—the previous Governor. I remember the debate on the Gambling Bill where you said the words, "deferred indefinitely" because of the social conflicts and upheavals that it would have caused in the country trying to push that through. You were wise then. Well, Mr. Speaker, the PACT government inherited the same Governor pushing the same initiative, and after the debate failed here and we agreed to create a select committee—I am going to say this—Mr. Roper's view was that the reason the government couldn't get it through was because the government was controlled by organised crime.

Mr. Speaker, I can tell you this much, that was said at a lunch and five Cabinet Ministers walked out right after, didn't stay to eat, didn't stay to break bread.

I can tell you the five who walked out – the then Minister of Education, now Premier; the Minister of Tourism, the Minister of Youth, Sports and Culture; the Minister for Works and me. The reason why I said that Mr. Speaker, is that when this country is being attacked, whether from inside or outside, I expect every single elected representative of this House who is elected by Caymanians, to defend Caymanians; to defend them.

[Inaudible interjections]

Mr. Christopher S. Saunders: I already gave you the five who left; you can determine the other three who stayed.

Mr. Speaker, that's why I said what I said to you. When I saw what you had to work with, what you had to put up with and what you had to deal with, that's why I felt badly for the trouble I gave you. Although I did say you should have accepted some responsibility by telling us how bad it was so we at least could have been more understanding. Let me tell you my friends, there's a public side of politics that you all will see but there is a private side of politics when we sit in Caucus, when we sit in committee rooms and we have those discussions, you get to see the passion, you get to see what goes on and what is in the heart of the representatives.

Mr. Speaker, everyone inside this House, I don't need to tell them how difficult this job is, how thankless it is. For many of us who are built to take it because we agreed to do this, every single one of us inside here, our families suffer because they didn't sign up for it but they have to deal with it.

Mr. Speaker, that gambling issue for me, was made worse when we also have other people in this House getting up and repeating the same line. *Oh, the numbers business in Cayman is controlled by international organisations, crime syndicates* and all those kinds of things. When we are a financial services industry trying to shake off this reputation that we have earned that we shouldn't have. Our own people in here are playing to that narrative too. How do they think that makes us look? As the Member for West Bay West would say, *you want to burn down the fire station and then complain when the fire truck doesn't show up*, or something to that effect; because of what? Political expediency, political correctness?

Mr. Speaker, let me tell you something, any opportunity that we have to get the feedback of the Caymanian people, the people who elect us, in any way, shape or form is always a good thing. How can that be wrong? Switzerland has about 10 or 15 referendums a year; I mean, every single thing Switzerland has a referendum on. If you ever saw a US ballot during election time, the number of different initiatives, I mean, if you look at it you'll see how busy it is—asking the people for Proposition 8 and 22 and all kinds of things. The one time we go to ask the people in a general election, what do you think about this; that becomes a problem.

I can tell you, Mr. Speaker, the Members are correct. Then in the PACT government, the Premier asked Members about decriminalising ganja. At the time, he was prepared to just carry the Bill through—I was one who said, no, go and ask the people. I don't smoke, no one in my family smokes but you know what Mr. Speaker, we're still a Christian country and while I may have my personal views, something as major as that, I think everyone should weigh in on; go and make the case. I don't think that was something that we should have run on for the simple fact, if you look inside manifestos... I can tell anyone, while I support it, I never campaigned on it. I can't go around now and say to you that my people will be comfortable with this when I never made it a case or part of my platform, as much as I personally support it. We are not in the business of what our personal beliefs are. We are in the business of our people's belief, and I consider it a major decision. It is the same too with numbers.

I can tell you, Mr. Speaker, personally, legalise it, [and] make some money off of it.

An Hon. Member: Amen.

Mr. Christopher S. Saunders: We know exactly what has been going on for the longest time, but am I going to make that major decision, knowing also, that in many countries—and you look at the website—how gambling can become addictive. I remember when it started in other places; one pot a day, two pots a day. I think Jamaica has about five or six pots a day now. It's an addiction, and then what makes it worse, you buy the number at one time in the morning, it doesn't play, then it plays in the afternoon. You beat yourself up, *man, I should've waited*. I've seen it. You go along some roads inside this country, Mr. Speaker, you see barbershops open 9 pm, 10 pm, 11 pm, they are not cutting hair, they are not doing nails. We know what they're doing, so it has become something...

I can tell you, Mr. Speaker, there was a time—well, my father of blessed memory—he hit the numbers man a couple of times too, and he used to like when he dropped us to church, and he would say to me, *Chris, peep inside and see what hymns they have on the board*, before church would start. I would go there, and peep to see the hymns, and I would go and say, daddy, this is what is up there, and he just wanted the last two; because for him, all of those hymns are actually playing. Remember the church had the boards and they used to put the hymns on the side of the church so you knew which hymns were going to be sung that day? Oh, he would know them. At the time, I didn't even know what it was, I was a young boy, I didn't know anything. Then I realised he was hitting the numbers man based on the hymns. Then the church went electronic, started putting up the songs on the screens; they no longer put the hymns there, everything is on these projectors now.

I said that to say, it's a part of the culture. I'm not going to sit down and tell you I don't know people

who play; I know many people who play. From that standpoint, Mr. Speaker, it's a major decision, yes. I have my personal belief, yes. I think that my constituents would support such a move, yes; but how would I know if I don't ask them? You think I'm worried just about the national vote in this regard? For that referendum, I want to see how the people of Bodden Town West vote; those are the people who I represent. I want to see what their mindset is, so at least I know what to champion the next time, after I turn back these challenges that they are sending my way. This is what it's about, Mr. Speaker.

Mr. Speaker, there is a man in the Bible named Jesus. One day, Mr. Speaker, the disciples brought a man to him who couldn't see well, and Jesus asked the man, how do you see people? He said, I see them like trees. Jesus took some spittle, rubbed it into the man's eyes and asked, how do you see people now? He said, I see them as they are.

Mr. Speaker, I am so looking forward to this campaign, because I'll tell you something, Mr. Speaker, I have seen the other side of some people who I thought meant this country well. I've had an opportunity to have conversations with some of them. Let me tell you, this election is going to be about those of us who are fighting for our people, those of us who are fighters versus those of us who are the fat cats. Mr. Speaker, many people are going to be surprised because if they think the Caymanian people are fools, they are sadly mistaken. I'm sure all of us agree that those people had enough sense to elect us, so don't for one minute believe they won't have enough sense to *'unelect'* some of us and make sure some of us don't get elected at all.

Mr. Speaker, I know you know this, and it is not an easy job trying to make people's lives better. On the campaign trail, we have the solution to just about whatever problem you can think of; but then when you get elected, you realise that there's a social phenomenon that they call a "wicked problem". What you think is solving one problem, but it creates another problem and you can only make the decision based on the information you had at the time because hindsight is always twenty-twenty. We can go back and say we should have done this or we should have done that. We should have listened to this or listened to that, but at the time, based on the information we have, we can only make the decisions we have.

Mr. Speaker, I started by using the Martin Luther King quote: **"Cowardice asks the question, 'is it safe?' Expediency asks the question, 'is it politic?' Vanity asks the question, 'is it popular?' But, conscience asks the question, 'is it right?' And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right".**

Mr. Speaker, I was one of them who tried my best to talk the Deputy Premier [and] Minister of Tourism out of this Cruise Berthing Referendum. I spoke to

him from my perception. I instead looked at his perspective and understood his constitutional responsibilities, and I can say this Mr. Speaker, as much as I may disagree with him many times, cowards should not call his name.

Thank you.

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

If no other Member wishes to speak, I'll invite the Honourable Minister of Tourism and Ports to exercise his right of reply.

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

Now we come to the end of the discussion—

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: *And now the end is here*, I'm not a good singer, so I'm not going to bother to try.

Mr. Speaker, before I get to my contributions, I am going to focus on the positive ones before I get on the soapbox. I want to first say, thank you so much, to my good friend, and Colleague, the Member for Bodden Town West, Christopher Saunders for giving a very insightful viewpoint of the realities that I've been facing as a Minister of Tourism over the last four years. He is an accountant, I'm quite sure he did a minor in economics, and [he] helped to assess the landscape of cruise tourism throughout the years he was a part of the administration; and he explained to this honourable House some of the dilemmas that I faced, and he relayed the true challenges I faced as an individual, to make sure I did the right thing because every time I make a decision, I try to make sure it's not just about Kenneth Bryan, but about the people of the Cayman Islands—so good Member, thank you because if I said it, they wouldn't believe me.

Mr. Speaker, I want to also turn to the former Minister of Tourism who also highlighted that this referendum, as much as they may want to criticise it—those who are not a part of the Official Opposition and not the Member for Bodden Town West—he recognised and highlighted a very good point, whatever it would take to save time to get this process started as soon as possible can make the difference of hundreds of millions of dollars for the good people of this country; not only those who depend directly on it but those who depend on it indirectly as well; very important point former Minister.

Mr. Speaker, let us make this show begin. I've listened very intently with great interest to the contributions by the Members in this debate. I want to say thank you to each and every one of them for their contribution

because this is the House of Parliament, this is the People's House, so it's important that the views of all sides and groupings were heard because the people are listening.

It is clear, Mr. Speaker, that while we may not all agree on every single detail, we all recognise the significance of the issues outlined in the Bill.

Mr. Speaker, I want to start off by acknowledging the Leader of the Opposition for his contribution in this debate. Once again, he has demonstrated his leadership by prioritising the needs of the tourism industry over political manoeuvring. His willingness to engage in a discussion that puts our country first, rather than highlighting partisan interests is commendable. I sincerely thank him for his constructive approach and for his commitment to supporting the referendum.

Mr. Speaker, I would also like to acknowledge the concerns raised by the Member for West Bay Central, particularly those regarding the timeline and the potential consequences should the referendum fail. At first, Mr. Speaker, before I heard her leader speak, I honestly thought they were valid concerns. She had me convinced. I thought that with respect to what she said it was sincerity, but based on what her leader has said, I can say I can flush all of that out the door. I find it ironic, Mr. Speaker, that many of the concerns that she and others have raised stem from delays and decisions made by the same very people who are now expressing the concerns.

Let me address the timeline first, Mr. Speaker, the same Members who are now arguing about the time being too short were the ones who resisted every effort to bring this referendum earlier than now. They opposed holding the referendum before the election due to cost concerns. They remember, they were there in Caucus, and now they're arguing that it should have been held sooner. Mr. Speaker, which is it, which is it; or again, is it speaking out of two sides of their mouths because they have a different agenda? We're going to examine that here today.

Personally, Mr. Speaker, I don't think they want the Referendum Bill at all, but you see their argument has no water and they know people [are] listening, but we're going to flush them out today. The Member also expressed worry about the consequences of failure, a valid concern, Mr. Speaker, I do not want this vote to fail particularly when it comes to the referendum. However, Mr. Speaker, what it does show is that the Member does not understand the importance of a pier to saving our cruise tourism industry. I agree that this question on cruise is too important to fail, but the solution, Mr. Speaker is not misinformation, confusion and riding the fence. If we believe in it and understand the vital need for a pier and cruise infrastructure, then we must stand firm and advocate for it. Those with ulterior motives, Mr. Speaker, who do not want the best interests of the cruise industry at heart are counting on that hesitation and fear to derail the process, Member.

Mr. Speaker, the situation reminds me of a person standing at the edge of a river with the rising floodwaters behind them and the gap to the other side is not too far and if they jump, they could make it; but instead of jumping, they hesitate, second guessing every possible outcome and consequences, and in a moment of doubt, the waters wash them away. Mr. Speaker, you see hesitation in the face of necessity, it is not caution, it is paralysis; and in this case, hesitation will not just cost us time, as the good Member for Cayman Brac and former Minister of Tourism alluded to, it will also cost us the future of our cruise tourism industry.

Mr. Speaker, we are running out of time. Cruise lines are planning for other locations as we speak because they said, *you know what Cayman Islands is playing games, I've got billions of dollars to make*. If every Member in this House who genuinely believes that there is a need for the cruise pier were to stand united and advocate for a "yes" vote, this referendum would pass with flying colours. Mr. Speaker, the real risk to not holding the referendum is hesitating and failing to stand behind it. It's the truth, Mr. Speaker. If we were to add up all the numbers of persons who voted for every Member in here who was elected, it would simply, easily, be more than 50 per cent of the registered voters. Therefore, the question we should be asking is not what happens if the referendum fails. I put it to all the Members in here that the real question we should be asking ourselves is what happens if it succeeds? What happens if we win?

Mr. Speaker, the PPM, the TCP—what do you call them again? I don't want to call them what Arden called them on the radio, you know, because I can get in trouble for that so I can't use the "c" word, but I'm going to keep it simple—The Cayman Community Party and the other party, the National Cayman Party [sic] and everyone else who is out there running in this election is hoping to form the next government, every one of them. That is what we are all campaigning for, Mr. Speaker. To put the Members' minds at ease, let me remind them that the next administration, whether it's the Progressives or a combination of what is left over here with the Progressives or TCCP or the National Party, whichever group comes together, they will have the responsibility to determine what happens next, after the referendum results come in. Once they have gotten the mandate from the people to move forward, the next government, whoever it will be... If the good Member for West Bay South hopes to be the leader—and I will be questioning that very shortly—if he hopes to be the leader, he needs to start thinking about this. They will have the responsibility to ensure that the pier is built in the right location, at the reasonable cost, and with the proper environmental considerations in place, unless he doesn't think that he's going to win. Is that what you're worried about? I would be worried about it too.

Mr. Speaker, that is why the question that we drafted is open-ended because no matter how you

phrase it, there will always be those who try to nit-pick on any question that you put forward rather than focusing on the fundamental issues at hand. If we specified the location some would say it's in the wrong place, if the cost was included others would say too expensive, if we outlined the environmental strategy, they would say it's not enough. This is precisely why the referendum is structured the way it is.

Mr. Speaker, I've learned by watching the former Minister and yourself—honestly, I feel sorry, I feel bad because I saw what *unna* went through and that's exactly why I tried to convince my colleagues this is the best way forward because we'd end up going through the same exercise that you did four years ago if we did what the four quitters suggested, but we are going to get to that.

Mr. Speaker, I think we left the question structured in a way to give the people a choice to say whether they want a pier or not. You know, some people say, *we elect you to make the decisions*, and I'm starting to embrace that theory much more because the good Member for West Bay West says it all the time, *you are elected to lead, make the decision, make the hard choice*. What this question is fundamentally getting at is whether you want to be in the cruise business or not, and I don't think anyone yet has convinced me or suggested that we shouldn't be in the cruise industry. I bet you won't get up and say that because you know every vote gone—

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: Say it, get up. I'll step down. The good Member for West Bay Central is suggesting, Mr. Speaker... You said that you don't think we should be in cruise? Is that what you said?

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: Sorry, Mr. Speaker.

The Speaker: Minister, don't get engaged in that cross-talk, please. Just carry on.

Hon. Kenneth V. Bryan, Deputy Premier: Mr. Speaker, please forgive me. I promise it will not happen again.

Mr. Speaker, the way we structured the question gave the people a choice to say whether they want a pier or not and allow the next administration of leaders to ensure that the best decisions are made with those concerns in mind.

Mr. Speaker, I do believe that the Member for West Bay Central or I believed up until Monday that she was acting from a place of genuine concern and she said that there were so many people in her district, hundreds of people she said, [who] depended on cruise

tourism to make a living. However, I question whether she is being genuine because the truth is she's not the only one unique in that regard. All of us have constituents who are in the same boat—and I mean that literally—worried about the future and how they're going to take care of their families when passenger numbers continue to decline so much that they can't even keep their businesses open anymore. I'll tell you what, I'm not picking on West Bay, I'm not picking on the Republic, but I am certain Mr. Speaker, there are more people in the cruise tourism industry in West Bay than any other district in the Cayman Islands. That's why I am so blown away by the Member for West Bay Central in her remarks; but don't worry, the Members for West Bay West and West Bay North will continue to fight for those who are in the cruise industry for West Bay even if the other two Members won't.

Sadly, Mr. Speaker, it appears that she and others who express similar sentiments are allowing themselves to be influenced by dissenting voices rather than focusing on the fundamental issues at hand. Riding the fence, fearing that the referendum will fail, is failing the people of your constituency and this country, and any Member who is doing that, I urge you to reconsider; your seat depends on it. Fearing that the referendum might fail, should not lead to hesitation, it should lead to strong action, strong, decisive action for your people. History will not be kind to those who, in the moment of requiring courage and leadership, chose instead to waiver and hesitate. This is not time for doubt, Mr. Speaker, not in these days. Thus, if she and others truly believe that the cruise pier is not necessary or if they're saying that it is necessary, then they should stand up for it, encouraging those people whom they know to vote "yes" for it so we can finally get off the pot that we've been sitting on for over 30 years—according to the good Member for West Bay West on Monday—and move forward for the benefit of the cruise tourism industry and our country as a whole.

Mr. Speaker, I'm going to leave that there for a little bit and come back. I now want to turn my attention to some of the other points raised by other Members such as those made by the Member for Prospect.

Mr. Speaker, she started out making a point about this being a government-initiated referendum with non-binding results and then asked, and I quote, **"What does that mean for the average person, for the cost?"** She also asked, and I quote, **"Where is the dialogue that could have been done?"** Allow me, Mr. Speaker, to answer those questions for the benefit of the listening audience so the accurate information can be placed in the public domain, dealing first with cost.

Initially, this referendum was scheduled to be held separately from the general election and was estimated well over a million dollars. [It] wasn't my idea; from the get go I said do it at election time. The people are smart enough to separate the issue of cruise from the election of the Member. No, they didn't want it that

way so they all said let's do it before that. Now we're here today, subsequently moving the referendum to Election Day to eliminate those expenses highlighted—so she can't talk about the cost. The referendum question will be placed on the ballot paper on Election Day thereby ensuring that the cost is minimal—and I'm happy to say I've confirmed that besides miscellaneous little costs here and there for maybe incidental matters that pop up, the cost will be exactly the same as a general election. I believe a sample of the ballot is included in the Schedule to the Bill and I would have really expected the Member to be aware of that if she actually read the Bill, but maybe she didn't, I don't know. Notwithstanding that Mr. Speaker, the Member raises cost as an issue, if she was truly concerned about the Government's spending, perhaps she can explain how she was going to justify prematurely funding a public education campaign for a referendum that might not have even happened. I guess, then, she would say that was good money spent—in her view maybe. That leads to her other point about dialogue, Mr. Speaker.

Now, I appreciate the concern about talking to the people because I agree with that, but the reality is that this referendum could have been approved much earlier, allowing the information campaign to begin long from now. However, Mr. Speaker, the Member for Prospect and her colleagues quit on the job and stopped the process from moving forward so the people could have had much more information available to them. After they quit, they threatened to not even allow it to come to this House. You know how much manoeuvring we had to do to get this Bill on [the Order Paper]; they even tried to stop it in Business Committee. The good leader of their party didn't even read the Standing Orders and tried to suggest that he could take it off the Order Paper, but yet still he wants to lead this country. Talking about doing the process right? At least I read the Standing Orders of this House. [The] good Member for West Bay West reminds me of the terminology “Mr. Lily-White”, and if I've ever seen a Member that fits that description it's the good Member for West Bay South.

The Speaker: Member, please let's don't engage in name calling. It's been going okay.

Hon. Kenneth V. Bryan, Deputy Premier: Thank you, Mr. Speaker. I did say Member for West Bay South, but I get your point, stay on track of the topic pushing the line for the political discussions.

Except, Mr. Speaker, had that not happened—those Members quitting, Mr. Speaker—we'd already be having public debate and dialogue as she's calling for right now, so anyone to blame about the delay, Mr. Speaker, it would be the four Members who left. I can't even say that the Member for Newlands was responsible for that because after their leader quit on him, it's interesting that they bound up together, but that's a different topic.

That said, Mr. Speaker, this is not a new issue. The topic of cruise piers has been in the public domain for years. The question on the cruise pier is about gauging the public's sentiment on an issue that has been debated extensively over decades, not just the last four years, for decades. It's not some sudden revelation that the people know nothing about—30 years, Mr. Speaker, 30 years, we've been talking about this. What I find most interesting though, Mr. Speaker, about the Member's contribution is her recommendation that the decision on whether we build a pier could have been taken just by holding constituency meetings. Really, Mr. Speaker? As serious as this is, I'm not sure if she saw what your administration went through the last time around, if she thinks just having constituency meetings to make this decision would be sufficient. If she thinks it's enough for a decision of this magnitude to be taken by a handful of people—and I say a handful of people because the good Member for West Bay Central, earlier in her contribution, said that the dialogue is so important because they had a community meeting and only a handful of people came out to talk about the pier. Now, I don't know if that's a reflection of them not wanting to come out and talk about the pier or they didn't want to come out and talk to you—but I'm only going based on what they're saying.

Then the other Member is saying that we should make the decision based on these little small meetings. Boy, Mr. Speaker, I'm sorry, but the democratic process in this country that I believe in and that I'm sworn to uphold would not allow such recklessness. On one hand, she's saying that there hasn't been enough dialogue, but on the other hand, she's satisfied [to have] important matters to determine the country's future [decided] by a few people who bother to show up at a constituency meeting. The people of this country—and by that, I mean, *all* of the 25,687 registered voters in this country—deserve to have their right and their say in this referendum, the date of which has been published well in advance for everyone to know to ensure all of those who want to be there can be there; not at some constituency meeting [where] they would be lucky if 100 people showed up.

Mr. Speaker, at the end of the day, the Member and her colleagues had a chance of supporting holding a referendum earlier and they chose not to; they quit on the country and they quit on the administration. That decision has brought us to where we are now, Mr. Speaker. The Government has taken every necessary step possible to ensure that this referendum is cost effective and gives the people a voice on these critical matters, and I encourage the Member to reflect on that as she considers her position moving forward.

Now, Mr. Speaker, I move on to the Member for Newlands who raised several points in his contribution. Again, I say to the people of this country, so that they are not unintentionally misled by inaccurate points of view, I will address those points that he highlighted.

Firstly, he spoke about the environmental concerns of downtown George Town describing it as a pristine area. Now that's debatable, Mr. Speaker, considering the amounts of cruise and cargo activity that has taken place out there for the last 50 to 60 years—well, I get his point, we still have beautiful waters out there, but I will explain why it's not correct for him to paint that picture. The point is, Mr. Speaker, no matter where you build a pier, there are always going to be environmental concerns, and I dare say, Mr. Speaker, anywhere else, other than where the Port is using now, there would be even more environmental concerns. This is precisely why the referendum is structured the way it is, to first gauge the will of the people before determining the best approach. Yet, we continue to hear arguments focused on the details of location and the impact rather than the fundamental question, do we as a country agree that we need a pier? Regardless of where you're going to put it, you need to agree whether you want one or not, and that question relates to whether you want to be in cruise or not.

Mr. Speaker, I find it interesting that throughout this entire debate not a single Member has stood up and said that they don't want a cruise pier, not one—and the *Hansards* will show that. No one thus far has said we do not need a cruise pier. Even the good Member for Newlands in his contribution, accepted that we needed a pier. Don't worry, Mr. Speaker, if he would like me to refresh his memory—

Suspension of Standing Order 10(2)

The Speaker: Honourable Minister, can I invite you to move the suspension of Standing Order 10(2), in order that the business of the House may continue beyond 4:30 pm. Our clock there is almost 10 minutes slow so I'm going by my watch.

Hon. Kenneth V. Bryan, Deputy Premier: Yes, Mr. Speaker.

Mr. Speaker, I would like to move the suspension of Standing Order 10(2), so the business of the House can continue past the hour of 4:30 pm.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

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

Mr. Speaker, if every Member in this House was to support the referendum, it would undoubtedly

succeed, allowing the next administration to move forward and create a viable project. Thus, if no one is willing to say outright they oppose the port or the pier, then what is the reason for opposing the referendum? What exactly is the hesitation of Members across the Floor? It is honestly baffling me, Mr. Speaker, unless, of course, they must have some ulterior motives at play, which is possible, which is strongly possible based on the conversations that I'm hearing.

Mr. Speaker, the Member also referenced the thousands of people who signed the petition for the referendum under the previous administration, and I can stand here today and say I was one of those signatories; but, Mr. Speaker, to be clear, I signed it to ensure that there was a Cruise Berthing Referendum. I signed it because I thought the people should have had their say; and I am certain, Mr. Speaker, the majority of the people who signed it, didn't sign it to say they don't think we should have a pier, they signed it because they thought that people should have their say on it—so this reference to say 25 per cent or more of the voters was against it, is wrong. I can say that because I was one of them. Yet, now, the very group that campaigned for the referendum seems to be resisting the actual idea of holding one, which begs the question, was their goal really about giving the people a voice or was it about stopping the pier at all costs?

Now, Mr. Speaker, I want us to examine this for a minute. There is a group that started this movement—which I know you're quite familiar with—their name is the Cruise Port Referendum (CPR)—key component is referendum. Then I get a press release saying the Cruise Port Referendum group opposes the referendum. I mean, you can't make this stuff up.

[Laughter]

Hon. Kenneth V. Bryan, Deputy Premier: What was the agenda? Was it about giving the people their say or was this about stopping something that is essential to thousands of Caymanian lives.

Mr. Speaker, another concern raised was the risk of the referendum failing, and I have already expressed my views on that point so I'm at a loss to understand why so many Members insist on focusing on the worst case scenarios. What if the people say "yes"; how about that? If you're so worried about it why don't you get out and campaign for it. Imagine how much further along we could be if we secure the future of our cruise tourism industry, if we chose to focus on the possibilities rather than the obstacles. Mr. Speaker, I'm so tired of people being negative and saying "no"; what about "yes"? The Caymanian people are sick and tired of hearing no and seeing hurdles in their way. They want to hear leaders progressing saying yes to things and getting things done for them because you see Mr. Speaker, leadership is about vision and solutions, not about finding every reason under the sun to say no.

Mr. Speaker, they expect to be leaders in this House and be a part of the next administration. Seriously? That's not leadership.

The Member also spoke about the need to increase the value of cruise tourism. Now, on that point, I agree with him, and the Member for West Bay North also spoke about that. I agree that we must find ways to maximise what we earn from every single visitor to the Cayman Islands, but Mr. Speaker, that's a separate discussion altogether. How can we talk about maximising the benefits and increasing the revenue from an industry that may not even be there?

Hence, we don't want to get back to where we were, we are close to 50 per cent loss, so the solution that the Member is suggesting is let's squeeze some more value out of the 50 per cent that is left, not acknowledging that that number is going to continue to get lower. We were getting \$100 per person, hypothetically, when we were at almost 2 million [passengers], so we cut that in half now and say, *all right, out of those million who [are] left, let's get \$200 so we can get the same value.*

When you get to 500,000 [passengers], what are you going to do? Squeeze out \$400? And when you get to 100,000, which is projected to be the case over the next decade, how much more money are you going to squeeze, because I don't think you can squeeze any more out of that. Mr. Speaker, how are we going to get more money out of passengers who are not here? That's what we're saying but, I mean, if the good Member has figured out a way to get something out of nothing, maybe he should tell us.

Mr. Speaker, I would also like to talk about the cost, but not the cost of the referendum. The cost of constructing the pier. This is where I am disappointed in the Member, because he knows better. The Member for Newlands suggested that building a pier would require significant investment without any guarantee of return but, Mr. Speaker, he knows very well that there are financial models that allow for private investment to ensure that the burden does not fall on the people of these Islands. He's fully aware of that. He's probably been a part of many financial vehicles in his time in the financial services and knows how it works.

He spoke about the first PPM administration and being there and watching how the whole thing was developed, he said so in his speech. He knew what the good former Minister did. For example, if the cruise lines fund the piers—and just like Donald Trump says, *we're gonna make them build the wall, we're gonna make the cruise lines build the port and the people are not going to spend one dollar, but we will get to that—they would be contractually bound to bring the passengers in order to recoup their investment through their per-passenger head tax, so if they don't bring anybody, if they don't bring the numbers, the guarantee that the Member is talking about, then they don't get any money back.*

Therefore, even if it's a half a million, \$200 million, \$500 million, it won't make a difference because they are going to pay for it—and you want your money back. Every person, per head, you slowly discount the money that you put in until you work it off, so you don't think they're going to bring the passengers? Come on, that type of structured revenue guarantee was a part of the previous administration's plan and I must say, having examined it in detail, Mr. Speaker, it was well thought out, so congratulations to the former Minister of Tourism and to you, Mr. Speaker, the Premier at the time, and—

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier; All of your members, all the Progressive members.

I'm certain that the Member is aware of these kinds of financial vehicles that can be created to ensure that Caymanians are not at financial risk because he's smart, you know, he's smart. Sometimes I think he's too smart for his own good, though; and let's not ignore the fact that major cruise lines are eager to be involved in funding the project again. Why? Because they see the value in it, Mr. Speaker. They know the return is here in Cayman, so that concern that the Member raised is not real, and he knows it, and Mr. Speaker, I will go further.

Mr. Speaker, I have publicly released video recordings because I know they were going to bring this up about, “who will fund it?”. We have sat with the key executives of the major cruise lines that came here and asked them the question, would they be prepared to fund it? All of them have committed to being involved, and he knows it, because I know all of those who want to stop this pier have been watching the progress of the discussions. They watched the videos, they have plenty views on Instagram, so it is not like they don't know that funding is available. Caymanians don't have to pay one cent.

If the listening public has not seen them yet, you can go to the Ministry of Tourism's Instagram page and you'll see the video—and with the support of Members of this honourable House, when this Bill is passed, and the education campaign continues, or starts appropriately, we'll be releasing all the details there, so let's stop pretending that this is some sort of reckless financial gamble, like the Member is trying to portray. A typical tactic for scaring the public, typical. Rather than thinking positively, bringing up every negative possibility to stop progress. If the commitment is there, the money will be there and the only thing standing in the way would be the hesitation of Members and the political manoeuvring trying to convince the people not to do so.

Mr. Speaker, the Member for Newlands also spoke about the uncertainty that exists around the world right now suggesting that this is not the time to take on a major project of this scale. You see, Mr.

Speaker, I try to think outside the box, and I think that's precisely why we should move forward. In uncertain times, we must secure stable, long-term investments, and tourism, Mr. Speaker, is the one industry that we all know will not disappear overnight.

The Member comes from a financial services' background, Mr. Speaker, and he knows better than anyone, that the financial services industry is highly volatile and it can vanish with the press of a few buttons if the international regulators decide to move the goalposts as they've been doing left to right, up and down all the time. He also knows how easily and how frequently we find ourselves on the grey list or blacklist through no fault of our own; bobbing and weaving all the time.

Now don't get me wrong, Mr. Speaker, of course that's not what I want for our financial services because they've done such a good job. In fact, I commend this Administration and previous administrations for working hard to ensure that it remains stable and competitive, but we all know that it carries significant risks and the same thing that we do for financial services we should do for the cruise, tourism industry—bob and weave and amend so we can stay stable, relevant and competitive, because tourism is a much more tangible and resilient industry, in my mind, Mr. Speaker, and now it's time to invest in securing its future.

Mr. Speaker, let's be clear. The next administration will have every opportunity to negotiate the agreements to ensure that the cruise lines, and not the people of the Cayman Islands, will finance that pier. The cruise lines will bear the costs and in return, we will secure the benefit of continued cruise tourism for the people who depend on it and the broader economy. That's how you control your future, not with hesitation and paralysis, so I urge the Members to stop using fear and negativity to cloud the real issues concerning the cruise industry. It's time to be honest with the people.

If you are against the pier, just say so, but don't be economical with the truth and clouds of doubt, pretending like you really care; but if you do believe that these Cayman Islands need infrastructure to protect the industry and secure Caymanian jobs, livelihoods and businesses, then encourage the people to vote "Yes". Mr. Speaker, there is no other choice. We either move forward with a pier, or say goodbye to cruise tourism as we know it. It's only a matter of time.

Mr. Speaker, in wrapping up with the good Member for Newlands, I have a couple more points that I have to clarify because, again, he spreads disinformation, you see, and he should be more responsible than this. He claimed, and I quote, because I had to get the information from YouTube—and I want to thank Hansard for helping me to get as much information as I could, as quickly as I could. He claimed: **"We, in this region, have countries who have invested their people's tax dollars, their people's fees, in many of these projects, and their cruise numbers have still**

gone down. You know, I think Barbados' numbers are north of 20 per cent down. I think Jamaica is something similar in certain ports there, where they have spent the money to build cruise facilities."

Well, Mr. Speaker, that is simply not factual. Here are the facts: According to publicly available data from tourismanalytics.com, Barbados cruise passenger arrival numbers have actually increased 21.4 per cent in last year, 2024. You see the difference with the information that you provide. You're telling people it's more than 20 per cent down when in fact, it is 20 per cent up. That's disinformation. Let's continue, because you went further than that.

The actual figures show that they had 796,400 cruise passengers in the calendar year, up from 2023. Similarly, the source records Jamaica's cruise passenger arrivals between January and August of 2024 have risen by 7.8 per cent. Not as great as Barbados, but it's increasing, while in Cayman, we're down almost 45 per cent from 2019 numbers; yet, you go around telling people, *Oh, these people who invested in their cruise things are not making it*. I tell you, information is a funny thing.

While I do not have the full Jamaica figures, I note that the Minister of Tourism, the Hon. [Edmund] Bartlett, good friend of mine, stated in a news article published just on the 25th September of last year [on] *Our Today* that Jamaica was on track to welcome 5 million visitors by 2025, surpassing the 4 million visitors recorded in 2024. Clearly, Mr. Speaker, these numbers do not reflect the decline the Member described. Hm.

Mr. Speaker, I also took note when the Member for Newlands said, **"I support cruise tourism"**. I was pleased to hear this, I'll be honest with you, and I was hoping that his debate would have ended well. However, through you, Mr. Speaker, I must ask the Member to clarify exactly what he means by that statement, because if he truly supports cruise tourism, does it also mean that he supports building a pier? I don't see how—with the information before us and the four members who quit on this Government when I presented the information on the reality of what the next five years are going to look like—you are going to support it if you don't support a pier, because without it, I can promise you this: history will show that we have given up on the cruise industry.

This is the fundamental point, Mr. Speaker, the reality is we cannot do without cruise infrastructure if we want to stay in this business. Now, I respect anyone and their democratic right to say: "Minister, Government, I don't like cruise [tourism]. I don't think it's good for us." What I don't like, Mr. Speaker, is when people are economic with the truth, trying to make up fluff stories and hiding it that, oh, they support cruise tourism, but they find every hole in the place when they really don't; and [that is] exactly why we framed the question the way we did, but we goin' flush it out.

Supporting cruise tourism in the Cayman Islands means allowing the next administration to proceed with building a pier. That's what supporting cruise tourism means. Without a pier, our cruise tourism industry will continue to decline and we risk losing a key sector of our tourism industry. Through you, Mr. Speaker, I would be happy if the Member for Newlands could clarify what he means when he says he supports cruise tourism, because if he truly does, he will tell the public that he supports the building of a pier but, you see, he wouldn't close with that. I was waiting to write down a note, I was waiting to get the clip, but you never said it because you're good at your jumping around situation.

Mr. Speaker, I now want to move on to the Leader of The Caymanian Community Party, and his comments. Now... Oh, boy, I don't know how to handle this one, Mr. Speaker, but I always try to remember what my mother says— We're all Caymanians and we have to respect each other, so I'm *gonna* try to be as decent as I possibly can. Mr. Speaker, I want to address some of the statements he made during his contribution.

Firstly, Mr. Speaker—

The Speaker: Honourable Minister, can I say, by way of guidance, that you should attack his argument not his person and then you'll be alright.

Hon. Kenneth V. Bryan, Deputy Premier: Yes, sir. Thank you very much.

In his arguments, which is zoning in and targeted *[INAUDIBLE]* now, he suggested that the referendum is unnecessary because in his view, the questions on the ballot paper are not what he calls “enormous issues”. Well, Mr. Speaker, I strongly disagree. If he, or any of the Members of this House or any member of their family, for that matter, were carrying a criminal record because of this issue, when we speak about cannabis, I'm quite certain that they see it as an “enormous issue”. The reality is that this is not an abstract debate for the people who are affected. We're talking about human beings, Mr. Speaker.

This is about their future, and their ability to get jobs, to travel, to build a better life; but I'll go further into that in a minute. I don't want to skip to the cannabis discussion yet because you notice that thus far, Mr. Speaker, I've only spoken about cruise [berthing]. I want to move on the cannabis discussion.

The Speaker: Yes, Honourable Minister. I've noted that with some alarm. You're only one third of the way through.

Hon. Kenneth V. Bryan, Deputy Premier: Yes, sir, but the others are much shorter because I think—

[Laughter]

The Speaker: Go on. Go on.

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

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: Well, they can't say I was not prepared, as they have alluded.

Mr. Speaker, moving on now to the decriminalisation— no, let me stay on cruise [berthing] for a bit.

Mr. Speaker, I was really disturbed about something. The first thing I noticed in this debate, and I noticed it when I was in Opposition too, namely, conventions of leadership— how the Parliament and groups work. One thing I'll say about you, Mr. Speaker, you were never afraid to lead.

Mr. Speaker, the Leader of the Opposition, the Honourable Joseph Hew, was the first person to get up. He got up and spoke on behalf of his group. Mr. Speaker, I waited to hear from the leader of the other group and I expected him to be the first one to stand and set the tone for his group but no, Mr. Speaker, he didn't do that. One by one, his members took the Floor delivering their remarks, while he sat back watching from the side-lines. [I have] been here eight years, never saw that yet. You want to be a leader, you go up front, that's how it works.

Mr. Speaker, I had to ask what kind of leader leads from behind? What kind of general sends his troops out into battle and remain in the trenches?

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: Yeah, you're probably right, send them out for sacrifice. Is that the brand of leadership he intends to offer the people of this country, because if so, Mr. Speaker, I know one thing, he wouldn't set me up. A leader who hesitates, who cowers behind his team, who always allows others to take the heat while he waits to see which way the wind blows, [is] not the kind of decisive, courageous leadership our people deserve and expect.

I learned that while sitting in Opposition. I sat there and watched good people like former Members Arden McLean, Ezzard [Miller], Honourable Kurt Tibbetts, the Honourable McKeever Bush, yourself. I watched how they took leadership, you do not send your troops out to suffer, and then wait for the appropriate time to get enough time to go home and come back and prepare your speech. I find it really concerning, Mr. Speaker; [that] when it comes to taking a stand on such important issues, he preferred to sit on the fence waiting until the politically convenient time to rise. [He] strategised quite well, I must give him credit. Wayne talked just enough until nine o'clock to know, “*Well, boy, the Speaker, will not continue now, so you can have a whole 48 hours to prepare.*” Good move, I like it— but, Mr. Speaker, leadership is not about convenience.

It's about conviction, it's about standing up when it matters, speaking up when it counts, and taking responsibility for the direction of his team, but then again, if you quit all the time, I can understand why that's not a common thing; and so Mr. Speaker, I must say that I am disappointed. Disappointed that someone who aspires to lead this nation would display such obvious unwillingness to be the leader of his group.

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: Well, maybe the good Member for Newlands is actually the real leader, because that's the rumour now, but let's leave that alone.

[Laughter]

Hon. Kenneth V. Bryan, Deputy Premier: If he does not take charge of his own party, how can we trust him to take charge of the country? Mr. Speaker, I'm gonna get off of that soap box.

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: Yes, because it's not that relevant.

[Inaudible interjection]

Hon. Kenneth V. Bryan, Deputy Premier: It will not win me any points, you're right about that. You are right about that one.

Mr. Speaker, in his contribution he talked about the flaws in the Bill. Three points. Came out very nicely. How can we vote to protect the public? I don't see the flaw in the Bill yet. He never referred to the Bill.

Mr. Speaker, he, again, talked about the fact that I said to the media—and let me get the report, Mr. Speaker... I can paraphrase, Mr. Speaker. He talked about how I said to the media that we were taking a neutral position, and to his surprise the next morning some members, I don't know which ones, woke up to find out that the date had changed. Okay. Is he saying that he only supported it then on the basis of the neutral position? Then fine, get up and tell the people you are taking a neutral position, but stop telling them not to support the referendum.

Again, I question their agenda, but Mr. Speaker, they still can't say that we need a pier, because they know that some people who they support will be really upset. I am waiting for them though, you know, and I encourage the listening audience, particularly those who are in the cruise industry, to look at them directly and ask, *"Are you going to put it in your manifesto that you are prepared to build a cruise pier in the Cayman Islands?"* Let's see how many people will be on your side then.

Moving on now, Mr. Speaker, to the subject of cannabis. Before I bring my contributions to a close, I want to briefly clarify one of the points that were repeatedly raised in the debate concerning the decriminalisation of marijuana.

Several Members of this House made comments specifically about whether people will be allowed to grow marijuana plants or smoke weed on the streets "similar to what happens in New York and other parts of the world" was the quote that I heard; but let me be absolutely clear. The answer is no. Growing trees or smoking in public places was never, ever, a part of the discussion, and the Members on the opposite side know it. Members know that this was always about one thing: the physical criminal record and preventing Caymanians from having a lifelong record for simple possession of small amounts of marijuana for personal use.

To be crystal clear, Mr. Speaker, the police will still have full authority to arrest, charge, and prosecute individuals if they are found with any amounts of marijuana for that matter. The only difference in the question that we put forward is that it won't be a criminal record—you won't get a criminal record if the amount you're caught with is a small amount for personal use. You will know the exact amount once the referendum is passed and the next administration sits and drafts the legislation for it, but the principle is that you would not get a criminal record. All the other things will still be there. You'll still get arrested and charged for breaking the law. You will just not get a criminal record, but will most likely have to pay a fine like a traffic ticket, Mr. Speaker, so this talk about growing marijuana plants and smoking in the streets is complete nonsense. I urge Members to actually read the Bill properly and stop misleading the public.

It tells me something when you hear the debate about the public's confusion. If some Members are so clearly showing that they themselves don't understand the Bill and what it's about, despite having been present in Caucus and in Cabinet, and in this honourable House when we debated it, then no wonder the public is confused about it. Mr. Speaker, have we not been paying attention when we discussed it in Caucus, or in Cabinet, for that matter? This is not new information, so what are you talking about the people are confused? You could tell them.

As a matter of fact, the former Premier, who is a lawyer, I dare say, clearly outlined the specifics of the two referendum questions in full detail. He spent two hours talking about it, so why is it Members on the opposite side are talking about the confusion or whether they can grow plants or they can smoke in public? Were they sleeping? Did they read the Bill? Well, what you could have done—and I think you did it. The good Member for Newlands suggested that people are still confused and he is right. If they didn't quit, they could have had the information a long time ago and they wouldn't be confused; but we will get the information to

them. Yet, instead of doing their jobs and informing the public correctly, they are contributing to the spread of misinformation, Mr. Speaker, whether intentionally or not.

Mr. Speaker, I urge all Members to read the Bill. Please read it because the public is depending on you. You are the leaders in your constituencies to explain to them clearly and honestly what this will do. It is your responsibility as a representative, you get paid much money.

Mr. Speaker, at the heart of this referendum are questions that will have real and direct consequences on the lives of the people who have put us here to serve them. This is not just another political exercise, Mr. Speaker, this is about the future of Caymanians, their families, their jobs and their opportunities in life. When we talk about the cruise pier, we are talking about protecting livelihoods, Mr. Speaker, we're talking about securing a vital industry that puts food on tables of thousands of Caymanians, and the reality is clear, without investment in our cruise tourism sector we risk losing a major contributor to our economy and we cannot afford to stand still while the world continues to move forward. We must be proactive, forward thinking, and willing to make bold decisions that ensure our long-term economic security, not just for today, Mr. Speaker, but for tomorrow and for the future generations to come.

Thus, when we talk about introducing a national lottery, we are talking about creating new revenue streams that can directly benefit everyone in the country. Every year, millions of dollars leave our shores from our residents participating in overseas lotteries. We know how much money leaves in remittances because we can track that, but we have no idea how much leaves through illegal gambling and I'm certain it's in the hundreds of millions of dollars every year based on the data or estimates by the former police commissioner who spoke to us about this problem. Hundreds of millions of dollars we could use for better things; but whatever the amount is, Mr. Speaker, why should we allow this money to benefit other countries or other things when it could be used to support education, healthcare and community development and pension and the things that are affecting our people right here at home.

A national lottery is not just about gambling, Mr. Speaker, it's about investing in our people, funding social programmes and ensuring that Caymanians reap the benefits of an industry that already exists informally within our borders. More importantly, Mr. Speaker, I want us to pay attention to this part. It's about making this already-accepted practice safer and properly regulated to remove the black-market element where criminality lurks in the dark. It is time to take control and use these resources for good for our own people.

Finally, Mr. Speaker, when we talk about cannabis, we are talking about protecting lives. We're talking about ensuring that young men and women are not

saddled with a criminal record for the rest of their lives for minor offences. A single mistake should not be a lifelong barrier to opportunities in education, employment or emergency medical care. This is about fairness, about justice, about giving Caymanians, especially our youth, a real chance of living a productive and successful life.

Now, Mr. Speaker, something just came to my memory. In the good Member for West Bay West's contribution he spoke about the expungement legislation, and that people can get rid of it in five years, and someone said, *but boy, they've been living with the consequences of a criminal record for 19 years [it] isn't realistic*. You see, Mr. Speaker, that's when Members don't fully understand what it's like to have a criminal record.

Mr. Speaker, when a Caymanian applies for a visa or an Electronic System for Travel Authorization (ESTA), whether your record is clean or not, you have to answer one question: Have you ever had a criminal record before? If you lie, you can call it quits, you'll never get back into the United States of America ever again. Your record may be clean, and yes, the expungement record helps us here, but they will not be able to leave this country; so when you are on your dying bed in a hospital and need to get to the United States, whether your record [is] clean after the five years or not, you can't go, so the expunged record is not enough.

Now, Mr. Speaker, I am going to stop here for a second and go into something that I don't really talk about too often. You see, Mr. Speaker, many Members don't know what it's like to have a criminal record and what it does to their life, but I do, Mr. Speaker, I do.

[Inaudible interjections]

Hon. Kenneth V. Bryan, Deputy Premier: Many people know my story. I made a mistake when I was a young, stupid boy; and thanks to you, Mr. Speaker, who didn't hold that against me, you saw it as an opportunity to relate to the people who are in similar situations. That's why I'm not surprised that the Progressives, the Official Opposition, would be willing to support this because they understand what it's like for people like me. You see these other Members, I don't think they get it. I was one of those persons who made a mistake and paid dearly for a long time and if it wasn't for good people around me, good people like you, who gave me a second chance, I wouldn't be here today standing before you in this honourable House as the Deputy Premier of the Cayman Islands; and that's when you don't give up on your people.

[Desk thumping]

[Inaudible interjections]

Hon. Kenneth V. Bryan, Deputy Premier: That, Mr. Speaker, is what we're trying to protect, real lives, real stories and real people; and if we succeed in changing

this, Mr. Speaker, those stories can be successful stories just like mine because everyone deserves a second chance, Mr. Speaker, and that's what this Government is trying to fight for.

[Desk thumping]

Hon. Kenneth V. Bryan, Deputy Premier: Mr. Speaker, I don't have a pile of money, you know. All I have is hard work that my mother and my father taught me to do.

I want to be really clear about the referendum. It's not about party politics. It's about doing what's right for Cayman and Caymanians because we have a duty as leaders to put aside fear, misinformation, hesitation and paralysis, to stand firmly for progress and prosperity for these Islands that we love so much. It's time to stand up for people and stop finding "noes" and start finding some "yeses" for our people.

In closing, Mr. Speaker, I urge every Member of this honourable House to support this referendum and I encourage every Caymanian who is registered to vote to go out and vote "yes". Yes, to protecting our economy; yes, to fairness and justice; yes, to investing in our people; and yes, to a future where every one of us has the best chances to prosper and thrive. That's what this Bill is about, Mr. Speaker.

Thank you for giving me the opportunity to contribute to this Bill, and, I hope, its safe passage through this House.

The Speaker: The question is that a Bill shortly entitled Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Bill, 2024, be given a second reading. All those in favour, please say Aye. Those against, No.

AYES and one audible NO.

The Speaker: The Ayes have it.

Hon. W. McKeever Bush, Elected Member for West Bay West: Can we have a division, Mr. Speaker?

The Speaker: Madam Clerk, please call a division.

Division No. 28 of 2024-2025

AYES: 13

Hon. Juliana Y.
O'Connor-Connolly
Hon. Kenneth V. Bryan

Hon. Johany S. Ebanks
Hon. Isaac D. Rankine

Hon. Dwayne S. Seymour
*Mr. Bernie A. Bush
Hon. W. McKeever Bush

NOES: 5

Mr. André M. Ebanks

Hon. Katherine A.
Ebanks-Wilks
Mrs. Sabrina T. Turner
Hon. Heather D. Bodden

Hon. G. Wayne Panton

Hon. Joseph X. Hew
Ms. Barbara E. Conolly
Mr. Moses I. Kirkconnell
Mr. Roy M. McTaggart
Mr. David C. Wight
Mr. Christopher S.
Saunders

***The Speaker:** Honourable Member for West Bay North, this is a voice vote.

The Speaker: The results of the Division: 13 Ayes, 5 Noes. Accordingly, the Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Bill, 2024, has been given a second reading.

Agreed: The Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Bill, 2024 was given a second reading.

The Speaker: Honourable Members, I would like to call a suspension. Can we resume at 5:30 pm? We've been at it now since 1:30 so 3.5 hours. I think we're probably due a few minutes break.

[Inaudible interjection]

The Speaker: Not by that clock, 5:30 pm. You'll hear the bell. We'll take the suspension now.

Proceedings suspended at 5:13 pm

Proceedings resumed at 6:20 pm

The Speaker: Please be seated. Parliament is resumed.

CUSTOMS AND BORDER CONTROL (AMENDMENT) BILL, 2024

The Speaker: I recognise the Honourable Minister of Border Control, Labour & Culture, Sustainability & Climate Resiliency and Wellness, for good measure.

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

[Inaudible interjection]

Hon. Dwayne S. Seymour: Mr. Speaker, I rise to present to this honourable House the Customs and Border Control (Amendment) Bill, 2024.

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

Hon. Dwayne S. Seymour: Yes, Mr. Speaker. The Bill seeks to amend the Customs and Border Control Act (2024 Revision) to introduce a rate of duty of two per cent on temporary imports; introduce new offences; provide administrative penalties in respect of certain offences; and to provide that, unless otherwise specified, application fees are non-refundable; and [for] other incidental purposes.

Mr. Speaker, the purpose of the Bill is twofold, a measure to increase revenue for the Cayman Islands Government and an effort to strengthen compliance and enforcement. The Bill includes both new fees and adjustments that are projected to generate approximately \$9.1 million in revenue over the next two years.

Mr. Speaker, I wish to highlight that the Bill is being presented as a result of a review of fees relating to the operations of Workforce Opportunities and Residency Cayman (WORC) and Customs and Border Control (CBC), carried out by the Ministry of Border Control, Labour and Culture. The review has revealed that the fees have not been adjusted in more than 10 years. Consequently, the Ministry has acknowledged that the existing fees are disproportionate to the realities of the current operating landscape and are therefore due for adjustment.

Mr. Speaker, it is important to note that over the past 10 years, operational costs have increased due to additional resource requirements such as new personnel, technology and infrastructure needed to carry out the functions of WORC and CBC. The addition of these resources enabled both entities to continue the critical function of regulating imports and strengthening border enforcement. In light of the increasing operational costs, it has become necessary for the fees to be adjusted to maintain efficient and effective operations at both WORC and CBC.

Mr. Speaker, the fees charged by the entities are a crucial part of the Government's revenue structure. They help to generate the needed revenue for Government programmes and the provision of public services as well as to cover costs associated with the operations of WORC and CBC.

Mr. Speaker, this Bill is also significant as it serves to strengthen our compliance and enforcement team. The Bill fortifies our border control measures, ensures there are penalties for individuals who violate our laws and promotes adherence to a regulatory framework.

Mr. Speaker, given the significance of this Bill, it is important to outline for this honourable House, the proposed amendments to the Bill in respect of new fees. The Bill proposes—

- a two per cent rate for temporary imports;
- a processing fee for exempted goods, except where the goods being imported have a rate of duty of zero per cent;

- an administrative fine for over-stayers, these fees can be levied against an individual or employer who knowingly assists or causes a person to overstay;
- an administrative fine of \$5,000 for a master or a captain of a vessel transporting passengers or crew to the Islands who are not in possession of required entry documents or attempt to provide false documents. This fine could raise an additional \$400,000 yearly should the same number of breaches occur;
- In relation to section 94(7) of the CBC Act, an amendment that required parents of a child born in the Cayman Islands who does not acquire the right to be Caymanian at birth, to report the birth of the child to the Director of CBC within three months after the birth of the child;
- Additionally, Schedule 1 of the Act—administrative offences—proposes an administrative fine for non-Caymanians who failed to advise the Director of CBC about the birth of their child within three months of the child's birth. The fines are to be applied based on a number of years.
- Amendments to existing fees as follows—
 - \$1,000 environmental tax to be applied to all imported vehicles, regardless of value;
 - Increasing the environmental tax from \$1,000 to \$2,000 on hybrid vehicles with a cost, insurance and freight total of \$80,000 or more;
 - An increase in all visitor's visa fees, except in Jamaica;
 - implementation of a fee for application for an extension of a visitor's visa of \$50 for the first application and \$100 for each subsequent application, except if the applicant is a spouse, or a civil partner, or a child of a Caymanian;
 - implementation of a fee for application for permission to reside as a dependent of a Caymanian, as well as for an application for the extension of the permission and an administrative fee for the grant of the permission— all at \$150;
 - an increase of \$100 for both the application for student visas, an application for extensions; and
 - an increase of \$100 for visitors work visa application and extension fees.

In closing, Mr. Speaker, I wish to thank the Ministry staff for their work in preparing the Bill, in particular, Senior Policy Officer Ms. Rolna DaCosta and Acting Chief Officer Ms. Danielle Roberts. I also want to thank the Members of this House in advance for their support of this Bill, Members of Cabinet as well as the Parliamentary Secretaries.

Mr. Speaker, I therefore commend the Customs and Border Control (Amendment) Bill, 2024 to this honourable House and ask that all Members support it. Thank you, Mr. Speaker. God Bless.

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

Honourable Member for George Town East.

Mr. Roy M. McTaggart: Thank you, Mr. Speaker. I will try and be equally as brief as the Minister in delivering it, and thank him for the comments he's made in introducing the Bill.

Mr. Speaker, this Bill seems very straightforward and there's certainly quite a number of amendments and administrative fines that are being implemented with regard to violations or breaches of Customs and Border Control Regulations. I guess my first reaction to it is that I am pleased to see Customs moving more now to administrative fines rather than having people charged with offences and having to unnecessarily go to court to have them adjudicated, I think that makes their work that much simpler, easier and quicker to collect fees for breaches and so I'm really pleased to see that.

Mr. Speaker, clause 2 of the Bill deals with temporary imports and explains that these are goods that are imported into the Island temporarily and then ultimately re-exported, normally to where they came from. They are now implementing a rate of two per cent on those imports. I believe I am correct, I certainly remember from my time as Minister of Finance, the requirement was that if you're importing them temporarily you still had to deposit the full rate of duty with the Treasury, and when the goods left the country, that money was refunded to the importer.

However Mr. Speaker, I know that caused some difficulties in the whole process because it would often take a long time to get those funds repaid to the importer. Quite often what I found happening during my time there as Minister was that the importers would write to me and ask me to grant a waiver of the import deposit duty that they would have to pay into the Treasury, and quite often those funds were quite substantial. A number made it clear when they made the application that it was difficult to do so.

I experienced it most commonly used in cases where there were big concerts coming in and people importing all of their band equipment and things and they would have to make deposits on those things, or people coming in for conferences and they were bringing all their banners and other things for display. Quite

often, Mr. Speaker, some of those things had no further utility beyond the entity who is seeking to bring them in for display. To me, replacing it with a two per cent duty is more akin to an administrative-type fee that would allow for the freer movement and simpler operation of these types of transactions between the importer and the Government.

From what I could see, the law does not make any provision for this two per cent to be refunded in any way. If the Minister in his windup would just confirm that then I'd be happy with that.

Mr. Speaker, a number of the other amendments, a whole host of administrative fines and penalties that are being implemented... it's difficult. I've had a read through, with all of these things there's nothing here that I could see that particularly jumped out at me that I would find particularly egregious. All in all, I think the Bill is a reasonable one in what it seeks to accomplish, and on behalf of the Official Opposition, I would express our support for the Bill when it comes to the vote. With those few words, Mr. Speaker, I commend the Bill as well. Thank you.

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

The honourable Member for Bodden Town West.

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

Mr. Speaker, I pretty much echo the contribution of the Member for George Town East who spoke on behalf of the Official Opposition. I do however need some clarity on some issues within the various Schedules. In a nutshell, Mr. Speaker, the first clarification I want when the Minister goes up to speak is on page 15 of the Bill, clause 8, item number 2 that deals with section 86(3), where it says: "**The master or captain of a vessel transporting to the Islands passengers or crew...**" I just want to find out if that includes Cayman Airways, because I wasn't sure from that standpoint. You know, sometimes airlines are charged, especially in the US, if they carry someone there who shouldn't be on the plane, so I just wanted to double check if that was included also for Cayman Airways.

Mr. Speaker, on page 12 of the Bill where it's speaking about "**Remaining or residing in the Islands for up to 60 days beyond the time permitted for the person to remain or reside in the Islands.**" Then it says, "**In the case of a first offence, a fixed fine of \$500. In the case of a second or subsequent offence, a fixed fine of \$1,000.**"

Firstly Mr. Speaker, that amount actually seems quite low. Again, maybe the Minister can clarify this on his wind up, but I think we should look at treating visitors slightly different from people who have work permits and basically overstayed. From that standpoint, if a person comes to the Cayman Islands and decided

they like it and they overstay as a visitor, I think from that standpoint \$500 for 60 days is quite cheap. I think we need to be deterring people and \$500 doesn't seem to be much of a deterrent for someone staying on the island for two months. You can get into a lot of mischief in two months, so, I think, at a minimum that should be seven days, and then after that, we start looking at some other things.

Also, Mr. Speaker, on page 16 when it's talking about **"A parent failing to report the birth of the parent's child to the Director more than three months after the birth of the child."**, I think this is a good opportunity for us to look at the whole E-Government initiative. You have the Register of Companies that deals with births and so forth, and then you have another Government Department for some strange reason; I think they should be speaking to each other. If a child is Caymanian versus non-Caymanian, there should be some automatic information that is sent to the different places just to make sure that everyone is on the same page, and I don't think that CBC or anyone should be dependent on anyone reporting it. I think at a minimum once a non-Caymanian child is born, one government department should be able to say to the Immigration Department that this has actually happened.

I think that is something that would probably [help] avoid any... There could be a situation where a child is born and there could be certain complications, the parents are focused on that; sometimes these things get lost, so I'm a little bit sympathetic from that standpoint.

The only other concern I have, Mr. Speaker is just the parts of the Bill where it spoke about whether it be an individual, whether it be a corporation and so forth; I think at a minimum for a small business or someone who is guilty, a \$2,000 fine would be quite high for them versus the law firm that's guilty of the same crime, \$2,000 is petty cash. At a minimum, if you're talking about someone who's been on a work permit, I think the equity in the fine should be something along the lines where you pay half the value of a work permit after the first offence and the full cost of a work permit after a second offence; because if someone is on island and their work permit is \$600-700 and then the fine ends up being \$500 or \$1,000, that's quite substantial, but if this person has a permit that's costing \$13,000, a \$500 fine is nothing for being in the country for two months. From that standpoint, I welcome the changes.

It's something that is long overdue and I am happy to see it being introduced, but at a minimum, I think it's still a little bit too—I don't want to use the word "nice", but 60 days is just too long. People need to get their stuff regularised within a seven day period or seven working days, 10 days the most. Sixty days is just a window for too much mischief. That's pretty much my contribution.

I just want to thank the Minister for taking a step to bring this forward. This is something that's new, it's

being introduced and as with anything, as you would always say, **"don't let the perfect be the enemy of the good."** I have no problem in terms of supporting it, but I just want to lend those concerns to this Bill that the Minister has brought. Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The honourable Member for Newlands.

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

Mr. Speaker, I rise to just provide a few comments on the Bill. I share the sentiments of the other Members who have spoken.

Mr. Speaker, I think there's one area of clarification that I'd like from the Minister when he rises to wind up. We've had an issue that has been a concern for Caymanians for some time over the years and that is, if a Caymanian comes into the country on a vessel under its own power, typically they're required to pay import duty immediately. I'm not sure if it has changed, but this is what I'd like to clarify. In the past, there has been the potential for the Head of Customs to effectively grant a temporary importation, and sometimes in the past, Caymanians have alleged—I don't know how true it is but Caymanians have alleged—that these things can or have been sort of extended and they clearly feel that that approach is unfair, if we're six months down the road or maybe almost 12 months, sometimes, and the importers haven't been required to pay duty. I'm assuming that the two per cent duty and treating certain goods as being temporarily imported would be covered by that, but I'm not sure and that's what I'd like the clarity in respect of, if the Minister understands what I'm referring to.

[Inaudible interjection]

Hon. G. Wayne Panton: Mr. Speaker, I'm asked to repeat that. Essentially what I'm saying is when vessels come in under their own power, typically within days, perhaps no more than seven days, there is a request to pay the import duty on the value of the vessel to Customs, and that is understandable; but Caymanians have said to me over the years and more recently—again, as I said, I don't know whether that has changed—what they have observed is that there are some vessels that come in, they're not owned by Caymanians, and there have been sort of temporary exemptions granted. The complaint is that sometimes those get extended for an inordinate period of time without any import duty being paid. I am pleased if the temporary imports provision relates to a scenario where someone comes in, in a vessel for three months or six months or something like that. That would certainly go some ways to addressing that scenario, if it is still a relevant scenario.

Mr. Speaker, some Members have commented in respect of particular matters in the Schedule. I noticed and I agree with most, if not all, of those. I did also notice, just as an example, section 7, item number 2 in the table of administrative offences on page 10, where it talks about **“The master or captain of a vessel transporting to the Islands passengers or crew who are required to have a valid visa or proof of citizenship, and they don't have such documents...”**, the administrative fine is \$5,000. If I'm reading this correctly—and again I'd appreciate the clarification from the Minister—there is a \$5,000 administrative fine, a fixed fine, so it's something akin to a strict liability; and the alternative element is, **“In respect of whom the master or captain provides false information in relation to the master's duty [or captain's] under section 86(1) and (2).”** The observation is really just that I'm not sure if you do something which could be just an oversight or a simple mistake, you should be fined \$5,000 and if you do something where you're actively providing false information, the fine should be the same. I would think that there should be some deterrent in actually providing false information where you're doing that knowingly.

Mr. Speaker, I think there are several other areas where that sort of scenario is relevant and I won't go into those, but those are the areas of concern that I have. Overall, I think the Bill addresses important matters and I look forward to having the clarifications that I've asked for on the winding up. Thank you, sir.

The Speaker: 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 will invite the honourable Minister to exercise his right of reply.

Hon. Dwayne S. Seymour: Thank you, Mr. Speaker. Can I indulge you to give me a few minutes to converse with the team to get some of the—

The Speaker: Do we need to suspend?

Hon. Dwayne S. Seymour: No, not that long, about two minutes.

The Speaker: Then make it a minute or two. Otherwise, if you need time I can suspend, it's not a problem.

Hon. Dwayne S. Seymour: Just two minutes. Thank you.

The Speaker: Okay.

[Long pause]

Hon. Dwayne S. Seymour: Mr. Speaker, thank you and I want to thank all Members for their contribution on the Customs and Border Control (Amendment) Bill.

I want to try to address some of the questions and concerns from Members who spoke. Member for George Town East spoke about administrative fines and he was happy in regards to see this course being taken after long waits for refunds, et cetera. His question was on the two per cent proposal and if it was non-refundable. I'd like to report to the honourable House that I have been reliably informed that it is not refundable.

Addressing some of the concerns from the Member for Bodden Town West in terms of over staying, particularly the \$500 for 60 days. I do agree with the Member, albeit, as I will repeat often when we're trying to remedy immigration matters or any matter at all, as he repeated, **“perfect is the enemy of good”**. We're coming from zero, there was no charge, so I would dare to say, one step at a time.

Your question, in terms of whether Cayman Airways was included under the vessels fine— they are included under this.

In regards to your observation in terms of the E-Government reporting, we do agree with this. I do agree with your observation here.

In terms of the work permit, the value of the fine being half of the work permit: again, we're coming from zero, there's no fine for overstaying. We're going at this point here now and of course, we can come back again—

The Speaker: Minister, I think you mean no administrative fine.

Hon. Dwayne S. Seymour: No administrative fine. Sorry. Thank you, Mr. Speaker.

In terms of the Member for Newlands' question of vessels under their own power and the import duty to CBC, there was some concern in terms of temporary exemptions for non-Caymanian vessels and cost for extension. Your observation was that sometimes these temporary exemptions were extended and what I've been reliably informed is that sometimes persons ask for time to pay, but there is a cost associated with extension. They have to pay for the extensions.

Mr. Speaker, I hope I was able to capture all the questions and concerns. I thank this honourable House for their tacit support in terms of trying to ensure that the next Government that comes in has another \$9.1 million to add to their coffers.

[Inaudible interjection]

Hon. Dwayne S. Seymour: Thank you, Mr. Speaker, and I ask all Members for their support on this Bill. Thank you.

The Speaker: The question is that a Bill shortly entitled Customs and Border Control (Amendment) Bill, 2024 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: Customs and Border Control (Amendment) Bill, 2024 was given a second reading.

**BENEFICIAL OWNERSHIP TRANSPARENCY
(AMENDMENT) BILL, 2024**

The Speaker: I recognise the Honourable Premier.

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

Mr. Speaker, I beg to move the Second Reading of a Bill entitled the Beneficial Ownership Transparency (Amendment) Bill, 2024.

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

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

Mr. Speaker, I rise to present the Bill on behalf of the Government. It is a Bill that seeks to amend the Beneficial Ownership Transparency Act, 2023, the principal Act, to provide enhancement in order to ensure the continued effectiveness of the beneficial ownership transparency legislative framework.

The reasons for the Bill, Mr. Speaker is that the Beneficial Ownership Transparency Act, 2023 was indeed approved by this honourable Parliament in December 2023. The principal Act consolidates the beneficial ownership legislative framework into a single Act and enhances the transparency provisions applicable to our legal persons, while it addresses evolving international standards as well. Once the principal Act was approved by Parliament, engagement continued during the implementation with members of the industry and other various stakeholders on the principal Act and associated regulations and guidance. It was during these engagements, Mr. Speaker that amendments to the principal Act were highlighted as being necessary in order to bring some clarity to certain aspects of the said legislation, and to also ensure the continued effectiveness of the beneficial ownership transparency legislation in the long term.

Mr. Speaker, a number of amendments within the Bill relate to where there's a trust in the ownership structure of a legal person. At present, industry members have to undertake an extensive investigation into such a trust in order to be able to report on those [with] ultimate effective control of the trust. The amendments within the Bill streamline the obligations and in fact, it makes it clear that only a trustee of the trust shall be identified as a contact person. The beneficial ownership competent authority will then make a request for additional information from the contact person, should they require it.

The amendment, Mr. Speaker has been very well received by industry members with praise being given at the most recent STEP Conference, which was held here in the Cayman Islands on the 23rd and 24th January this year and was attended by trust and estate practitioners from 18 different countries.

Mr. Speaker, another amendment within the Bill reduces duplication of reporting across the different regimes by exempting non-profit organisations from the beneficial ownership reporting framework as they are already sufficiently supervised under the Non-Profit Organisations Act (2020 Revision).

Mr. Speaker, the access provisions of the Bill have also been expanded in line with the evolving Financial Action Task Force standards by including custom and border control, a foreign beneficial ownership competent authority, and the list of those who have access to the beneficial ownership information.

If this honourable House, Mr. Speaker, supports this Bill, supporting regulations will therefore be developed in order to assist with the implementation of the said amendments.

Mr. Speaker, in summary of the Bill, they are arranged into 10 clauses. Clause 1 provides the short title to the legislation.

Clause 2 amends section 4 of the principal Act to provide for circumstances under which a trustee of a trust shall be identified as the contact person in respect of a legal person. The amendment also provides that the senior managing official shall be identified as a contact person where there is no registrable beneficial owner or a trustee identified in accordance with section 4(3).

Clause 3 amends section 6 of the principal Act to add to the requirement for a legal person to identify the senior managing official where there is no registrable beneficial owner or trustee identified.

Clause 4 amends section 10 of the principal Act to include in the entities exempted from the provisions of the principal Act those that are registered as a non-profit organisation in accordance with section 7 of the Non-Profit Organisations Act (2020 Revision).

Clause 5 amends section 11 of the principal Act in order to provide that there is no requirement to enter required particulars regarding an individual or a reportable legal entity that is not a senior managing official or a trustee identified under section 4(3).

Clause 6 seeks to amend section 12 of the principal Act to provide for, among other things, where a trust meets the definition of a beneficial owner the trustee details are captured on the beneficial ownership register. Where the legal person appoints a contact person under section 12(4)(c), the legal person is responsible for the contact person.

Clause 7 seeks to amend section 13 of the principal Act to clarify that corporate services providers shall establish and maintain a register in relation to the legal person that has engaged a corporate services

provider. The clause also replaces the definition of “adequate beneficial ownership information”. The new definition, among other things, provides that adequate beneficial ownership information is information that is sufficient to identify a registrable beneficial owner, the senior managing official or a trustee identified under section 4(3).

Clause 8 seeks to repeal and replace section 16 of the principal Act in order to provide that the corporate services provider engaged by a legal person shall remove the relevant entry from the legal person's beneficial ownership register filed with the beneficial ownership competent authority where the registrable beneficial owner, senior managing official, or a trustee identified under section 4(3) is no longer functioning in their respective role.

Clause 9 seeks to amend section 22 of the principal Act to include the Customs and Border Control Service and a foreign beneficial ownership competent authority in the list of entities to which a competent authority may provide access to the information on the search platform. This clause will seek, as I said, to amend section 22 to provide that the competent authority shall keep a record of access to the search platform which is in line with international standards.

Finally, Mr. Speaker, clause 10 seeks to amend the principal Act by the insertion of a new section 22A. The new section 22A provides that the information accessed on the beneficial ownership register and the information relating to the access shall be an exempt matter for the purposes of the Freedom of Information Act (2021 Revision).

In closing, Mr. Speaker, I wish to take this opportunity to convey our gratitude to the Ministry staff and the Legislative Drafting Department for their valiant efforts with respect to the development of these said amendments to the substantive Act. I therefore commend the Beneficial Ownership Transparency (Amendment) Bill, 2024 to this honourable Parliament for its second reading.

I thank you, Mr. Speaker.

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

The Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition, Elected Member for George Town North: Thank you, Mr. Speaker. I rise to provide a few words on behalf of the Official Opposition on the Beneficial Ownership Transparency (Amendment) Bill, 2024.

Mr. Speaker, I want to thank the Honourable Premier for continuing to ensure that we as the Cayman Islands continue to strive, to preserve, to protect and to grow our financial services industry. There was much concern back in November when it seemed as if we had political instability in the country with several Members

of the Cabinet, four Members of the Government in total resigning, leaving us with a minority Government. There were lots of concerns and many in the financial services reached out to us, understanding that they were heading off into major meetings and conferences where it was important that they were able to stand in front of those who are watching eagerly as to the political situation in Cayman and say to them that we are a mature democracy and that common sense will prevail, and that the Executive will be able to continue to run the country at such a critical time in our financial services segment, leading up to the end of the year. The time sensitive matters that we had to ensure that we were removed from the grey list and there were many people watching.

I want to say, Mr. Speaker, that I'm grateful on behalf of the Opposition, on behalf of the country and the people we represent; grateful to the Honourable Premier and to the remaining Members of the Government; and obviously, as well as to the unsung heroes, the Honourable Attorney General and the Ministry for picking up the ball and running as if nothing ever happened. Here we are in the late stages, finalising and streamlining our obligations to the financial services to ensure that we continue to be seen as the sophisticated, well-regulated jurisdiction that we are.

Mr. Speaker, also, I'm pleased to see that the local competent authorities are now provided access to the platform. If we're going to give the rest of the world access, we should certainly provide access to our own authorities.

Mr. Speaker, I do have one concern. If I go to clause 7 “Amendment of section 13 - duty to establish and maintain register”:

“7. The principal Act is amended in section 13 as follows —

(a) by repealing subsection (1) and substituting the following subsection—

‘(1) A corporate service provider shall establish and maintain a register containing adequate, accurate and current beneficial ownership information in relation to the legal person that has engaged the corporate services provided in the form of required particulars in accordance with section 12.’; and

(b) in subsection (4) by repealing paragraph (a) and substituting the following paragraph—

‘(a) ‘adequate beneficial ownership information’ means information that is sufficient to identify a registrable beneficial owner, the senior managing official of a trustee identified in accordance with section 4(3) and the means and the mechanisms through which beneficial ownership or control is exercised;’”.

Mr. Speaker, the only thing I want to ask is whether or not there will be a grace period for some of the smaller corporate service providers. I'm sure that perhaps they may have some of the information, but I'm not so sure they will have the systems in place to be able to provide and upload the registry as required. I think it would just be important that we take into consideration the smaller corporate services offices and allow them—perhaps even provide them with some expertise, ensuring that they become compliant with this requirement.

Mr. Speaker, with that one concern and with those few words, I would once again like to thank everyone over the last couple of months, in particular, the Government, the Attorney General and the Ministry for protecting and continuing to ensure that we evolve with the international standards and that we continue to strive and preserve and protect and develop our financial services.

Thank you, Mr. Speaker.

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

Honourable Member for Bodden Town West.

Mr. Christopher S. Saunders: Mr. Speaker, thank you very much. I want to thank the Honourable Premier for her contribution on this matter.

Mr. Speaker, I'm always mindful of a story that I remember when I first went to school in New York, where there was this European immigrant, Italian, I think the story goes, who wanted to live in America because he heard that the streets in America were paved with gold. When he arrived in America he found out three things.

1. The streets of America were not paved with gold;
2. The streets in America were not paved at all; and
3. They expected him to pave it.

[Laughter]

Mr. Christopher S. Saunders: I say that Mr. Speaker, to say that I am sympathetic to the members in the financial services industry, but I still have my concerns overall on beneficial ownership. We have always held the view that when it becomes the major international standard is when we'd implement it and I can't help but wonder if we are the ones who are now paving the road with regards to beneficial ownership.

I do understand for those who have to sit at the table and deal with certain individuals, that to some extent, the options may be limited. I guess for me who has the luxury of sitting where I sit, I don't have that limited option. Overall, Mr. Speaker, I, again, just rise to lay my concerns with it.

The thing about it is, look at the last time we came here, we gave access to journalists; we have seen "journalists", and I say that in quotations, having access to this kind of information. We're in the silly season now and knowing some of these media houses and how they work, who controls them, who owns them, or the lack of knowledge that we have of who owns them, or whose purpose they are serving or anything else—we turn around and give them access to people's personal information, yet some of these entities are unregulated. I have no issues with law enforcement having access to certain information because at the end of the day it is a tool that they will need for their jobs, but when we start giving journalists and other people in some of these industries with different agendas and so forth, I do have a fundamental problem with it because it is still people's personal information.

For the record, Mr. Speaker, since we're in the silly season, I want to make it perfectly clear: I'm a Director of no company, I own no company, so I have nothing to declare, but this is for those who are in that position. It is about protecting their personal privacy. With that, I understand the Government's situation, but my objection to beneficial ownership as a whole remains.

Thank you, Mr. Speaker.

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

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker and thanks to the honourable Members who rose to make their contributions and to raise their concerns.

Dealing first with the Honourable Leader of the Official Opposition who questioned whether or not there would be due consideration for a grace period. I am reliably informed and certainly would concur with that information that through the methodology and the conduit of policy that we can still ensure compliance yet exercise a degree of leniency to ensure that our small businesses will have a fair chance in this very vicious, cantankerous world.

I thank him for his expression, Mr. Speaker, for his interest in seeing the continuity of our number one of our two financial industry legs. Having that sense of continuity could not have happened had the Official Opposition not come up to the plate and—using the terminology of my good friend from George Town West, the cricketer, they came to bat, not to bat out, but to bat a six. I will eternally be grateful for the stance that you took for many, many reasons as it related to the financial services, because we were in fact at a crossroad.

Certainly for me, Mr. Speaker, who has no intention of contesting the upcoming election, the easier road out was to call for a snap election, but that would

have been for—Burger King —personal gratification. I contemplated it, and after having the relevant conversation with the Official Opposition who had their doors open, for love of country was radiating... As my grandson says, when I ask him, “*Manny, did you clean your teeth?*” He comes grinning and says, “*Abuela, they are illuminating.*” It was illuminous, the illustration of dedication to country that the Official Opposition showed, and I think that history will be very kind to them in about eight weeks’ time or more.

Having said that Mr. Speaker, I also wish to thank the Member for Bodden Town West who stood to express his concern, his reservation. Of course, we all had that. The team that travelled with me to the United Kingdom when I was thrust in to take on this additional responsibility for Financial Services would gladly report, without any reservation, that although I was President at the time of the UK Overseas Territories Association (UKOTA), I was the last one to sign on and held out even though I was advised differently. Not because the advice I got wasn't good, I just needed to assure myself that having been thrown the ball after several years of not having to represent Cayman from a financial perspective that we were getting the best value for our people who I had to come home and face in the jurisdiction.

Despite what the technocrats said when I went back out, saying that they would have to escalate it to the Minister, the records and the draft communiqué will show that I had already called the Minister, so the escalation was almost redundant.

I can say that I'm also very, very grateful to the Foreign Secretary and to the Prime Minister for accepting our intimations, for accepting our mitigation and for understanding it had to be an incremental move. What our position was then and what our position remains is that when it's the standard benchmark of the world, Cayman would then consider and play ball. Until then, and the former Minister for Financial Services came up with the position as was in the European case about two or three years ago, we would only go as far as those who had a legitimate interest. That is the position that we took and we did not retreat or quit on that, Mr. Speaker.

It is when Cayman comes together for the common interest of the jurisdiction, knowing the significance that the financial industry plays in the composition of our budget so that we can make ample provisions and actually cater to the health, wellness, the progress and the modernisation of our country that we don't see the exercise of that Burger King drive through-type mentality.

Through you, Mr. Speaker, again, I wish to record, at the risk of being repetitive, my deep gratitude to the Official Opposition for taking the stance that they took, and to the Member for Bodden Town West, as well as the Members of my Government and the Parliamentary Secretaries.

I also want to take this opportunity, again, it'll probably be the last time I get to speak on beneficial ownership or anything in the financial industry, to thank the honourable Attorney General. As usual, his contributions, I felt that I had no hesitation to rely on. I felt that his love for Cayman was equal to any born Caymanian, and I say that because we still have persons who divide and distinguish between plane and pain. I can tell you that this Honourable Attorney General, when he decides to go into the sunset, it will be a loss to Cayman, because he has fought on many territories to ensure that not only our livelihoods were protected, but it was preserved, and wherever there was innovative methodologies he had no hesitation in touching the implementation mode on all fronts. Through you, Mr. Speaker, I wish to sincerely, on behalf of my Government and the people of the Cayman Islands, record our grateful thanks to him for the many hours that he put in.

Mr. Speaker, as it relates to our obligations, they have not changed. Members would be fully aware that commitments were made in the last quarter of 2023 as to what Cayman's position was. Obviously there was a new Government when we went to the United Kingdom, the Labour Government still maintains its power. They campaigned on beneficial ownership very, very hard so that fight continues.

We would have seen just within this week, what's going on in our sister jurisdiction of the British Virgin Islands (BVI) and the comments that have been made. Those in the UK, from your time, Mr. Speaker, Margaret Hodge and others, who are determined to ensure that we are not a recognised international financial centre, we have to take this as a united front, it's not just Cayman in the battle. We also have to stand with our brothers and sisters in the Caribbean because of that united stance that we took after we had the Pre-Joint Ministerial Council (Pre-JMC) in Miami [so] we don't repeat what happened many years ago when I was there.

We had a particular former Premier (who is now gone) —I won't call his name—who started his introduction to those negotiations when Dawn Primarolo was there, but when he was flying from New York and saw the “beautiful Dawn”, we knew that we'd had a weak link within the group. This time, there was no weak link. We all stood together and protected our respective jurisdictions. I believe that that was an example that any future negotiating teams that go across the pond, or they come here, ought to take that lesson, because we are stronger together than we are divided. A lesson that I hope permeates this entire Parliament for its longevity, Mr. Speaker.

It was not an easy chore to get it, but when you decide that you're going to be the legal voice for the people, even though it took nights without sleeping... Dear Dr. Dax and his technocrats in the Ministry that I am privileged to lead, this country owes them a colossal amount of gratitude—

[Desk thumping]

The Premier, Hon. Juliana Y. O'Connor-Connolly:—because they, as we would say in Cayman, Mr. Speaker and colleagues, *“they know their stuff and they don’t back-back,”* as the calypso song says.

May it please you, I would invite my colleagues to give their full support to this very important piece of legislation. Thank you.

The Speaker: The question is that a Bill shortly entitled Beneficial Ownership Transparency (Amendment) Bill, 2024 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES and one audible NO [by Mr. Christopher Saunders].

The Speaker: The Ayes have it.

Agreed: The Beneficial Ownership Transparency (Amendment) Bill, 2024 was given a second reading.

ANTI-SEXUAL HARASSMENT BILL, 2025

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

Hon. Isaac D. Rankine: Mr. Speaker, I beg to move the Second Reading of the Anti-Sexual Harassment Bill, 2025.

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

Hon. Isaac D. Rankine: Yes, Mr. Speaker.

Mr. Speaker, I rise to present the Anti-Sexual Harassment Bill, 2025 on behalf of the Government. For years, successive administrations have acknowledged the necessity of sexual harassment legislation, yet tangible progress has been slow. However, the time for action is now. The urgency of this issue has been repeatedly recognised and it is long past due to enact in dedicated protections against sexual harassment in the Cayman Islands.

In recent years, Mr. Speaker, Member of Parliament (MP) and former Premier Wayne Panton in his role overseeing Gender Affairs in 2021, reignited the push for this legislation, demonstrating a renewed commitment to tackling this pressing social issue. Under his leadership, the Gender Affairs Unit, then part of the Cabinet Office, began actively reviewing past drafts and working on updated versions of the Bill.

Mr. Speaker over the years, other MPs, dedicated civil servants and stakeholders have played instrumental roles in shaping this essential legislation and their persistent efforts underscored the need for immediate action. Now, the Bill is placed under my Ministry's responsibility, and as Minister and Member of the

Government, it's both an honour and a privilege to bring this legislation forward and table it. This Bill represents a significant milestone in our commitment to safeguarding the rights and dignity of all individuals, and I take immense pride in ensuring that this long overdue legislation is brought into force, reinforcing our dedication to creating a safer society for everyone.

Mr. Speaker, with each passing year, individuals continue to face sexual harassment without clear legal recourse, further emphasising the necessity of this Bill. The time for discussion has passed, the time for action is now. The Cayman Islands must take a stand and implement robust legal measures to protect individuals from sexual harassment in all aspects of society. The community, Government and all stakeholders must unite to ensure this Bill becomes law without further delay.

Mr. Speaker, I will now speak on the mandate and the rationale behind the Anti-Sexual Harassment Bill. Although it may appear obvious, it must be reiterated in this honourable House. The purpose of formulating the Anti-Sexual Harassment Bill is to ensure that the Cayman Islands has in place distinct legislation focused on this prevalent social issue. The acceptance and approval of the Bill will satisfy the requirements for local enabling legislation that upholds the principles and articles within the Convention on the Elimination of All Forms of Discrimination against Women, one of the international treaties covering human rights which was extended to the Cayman Islands through the United Kingdom in 2016.

The need for this legislation was also acknowledged as far back as 2006, beginning with a local survey sponsored by the Young Business and Professional Women's Club on the prevalence of stalking and sexual harassment. Further momentum was gained with the 2008 report of the Special Advisory Committee on Gender Violence, a 2009 Young Business and Professional Women's Club report on sexual harassment and stalking, and the Law Reform Commission's consultation on the Bill in 2012. Draft versions of the Sexual Harassment Bill were produced in 2013 and 2015, yet none progressed to parliamentary debate or public consultation.

Mr. Speaker, this issue remains pervasive in society as highlighted by personal testimonies shared in the editorial series on sexual harassment reported by the *Cayman Compass* in June 2021. Additional reports in January, March and November 2022 documented numerous incidents of sexual harassment, stalking, verbal abuse and physical assault, targeting women in public spaces, including bars, main roads and business districts. While these are only the reported cases, it is reasonable to assume that many more incidents occurred in the wider community, included in workspace environments where power dynamics make it even more difficult for victims to come forward without fear of retaliation.

Mr. Speaker, while official records from the Royal Cayman Islands Police [Service] and the Gender Equality Tribunal Secretariat indicate a low number of formal reports of sexual harassment, anecdotal evidence suggests that these numbers do not reflect the true extent of the problem. Data gathered from the quantitative and qualitative service during the 2023 public consultation period revealed that a significant number of participants regarded sexual harassment as a serious issue and strongly supported explicit legislation to address it.

Mr. Speaker to the honourable House and the listening public. The objective of the Bill is threefold: to prevent sexual harassment, to establish remedies for those who experience it and to enforce policies that deter and address this unacceptable conduct. Under this legislation, various entities will be required to put in place robust policies and procedures ensuring that complaints are handled effectively and fairly. This Bill is about fostering a culture of respect, ensuring that workplace, public spaces and institutions are safe environments for all.

Therefore, Mr. Speaker, the primary benefits of this Bill will serve as a cornerstone in our efforts to eliminate sexual harassment in the Cayman Islands by—

1. providing a clear outline of the expectations of entities to protect their employees and clients, and
2. establishing an explicit process for victims to seek recourse through the Anti-Sexual Harassment Tribunal.

Mr. Speaker, I want to reassure this honourable House and the listening public that while this Bill does not explicitly cover street harassment, this does not diminish the significance or impact. This will be disappointing to some members of the public as they were hoping it would be all-encompassing; however, to make such laws and enforce them has remained a complex challenge in many jurisdictions regionally and worldwide.

That being said, Mr. Speaker, this Bill is an essential first step. It establishes clear protections and legal recourse in key settings, such as workplaces and institutions where individuals interact daily and where harassment can have profound personal and professional consequences. By setting a firm legal foundation, we are making significant progress in tackling sexual harassment and this legislation paves the way for further developments in the future.

Mr. Speaker, while the Bill defines sexual harassment, a public education campaign will be necessary to provide further information to help persons understand what specific behaviours may be deemed offensive, especially in multicultural environments such as these Cayman Islands. Efforts to address attitudes and behaviours will need to be ongoing to ensure lasting change.

Additionally, Mr. Speaker, the Bill requires all employers, regardless of size to implement an anti-sexual harassment policy. It is recognised that this may be a challenge for smaller companies, however, sample templates and guidance documents will be provided to assist small businesses, household employers and landlords. While this requirement adds another layer to the business licences and work permit process, it is essential in preventing workplace sexual harassment.

Mr. Speaker and honourable Members of this House, as we consider the draft Bill, there are several anticipated matters that we must address to ensure its successful implementation and to provide the necessary support to the Gender Affairs Unit, which will be tasked with overseeing its operation.

Firstly, Mr. Speaker, resource limitation must be acknowledged. The Gender Affairs Unit currently has two posts in the 2024-2025 budget, one of which is filled and the other is in the process of recruitment. However, we cannot predict how many complaints the legislation will generate, which means we cannot estimate how many individuals the unit will need to serve as a result. It is important to remember that the Unit's work extends beyond simply processing complaints. It plays a crucial role in driving broader societal change towards gender equality and equity for all citizens.

Secondly, we must recognise the broader responsibilities of the Unit. In addition to overseeing the Gender Equality Act and the proposed Anti-Sexual Harassment Act, the Unit is also responsible for promoting gender mainstreaming across both the public and private sectors; advocating for the objectives set out in the Cayman Islands National Policy on Gender Equity and Equality; and also ensuring alignment with international standards, such as the Convention on the Elimination of All Forms of Discrimination against Women. The work of the Unit involves not just legislation but changing attitudes and guiding sectors on how to infuse gender equality into their practices.

Mr. Speaker, it is also crucial to note the under-resourcing and funding challenges faced by the Unit over the past 12 years. For much of this time, the Unit operated with just one staff member and has often been treated as an add-in within Ministry budgets, rather than a fully-funded and independent entity. To ensure that the objectives of this Bill are met and that the Unit can address emerging issues around gender, diversity and inclusion, it is essential that the Unit is properly resourced with a proposed staff complement of 11 persons including policy experts, communication personnel and trained investigators.

Another important consideration is the adequate financial compensation for Tribunal members. A fair and appropriate compensation package must be factored into the budget given the level of responsibility and time required for these distinguished individuals.

Moreover Mr. Speaker, in recognition of the evolving scope of its work, we are proposing a name

change for the Unit to better reflect its expanded mandate. A new name such as the Gender Equity, Equality and Diversity Unit, would highlight the intersectional nature of the work the Unit is undertaking, addressing not just gender but also age, race, neurodiversity and other important aspects of human identity.

In terms of training and certification, Mr. Speaker, it is essential that all staff within the unit receive specialised training in handling sexual harassment complaints. This training should be sourced from reputable international providers and Tribunal members should also undergo this certification to ensure they are equipped with the necessary knowledge and skills. To manage the data and the statistics generated by the Tribunal and the cases reported, a case management system must be procured. This will require an investment in information technology to track cases accurately and ensure transparency and accountability.

Finally, Mr. Speaker, earlier, I spoke about the public education campaign, but I would like to take this opportunity to reiterate to this honourable House that public education under the new laws and the guidance to provide is not something any government should compromise on. It is absolutely vital that the public is fully informed about these important changes. Effective communication and public engagements are essential, especially in today's digital world where information is constantly evolving and needs to be accessible to everyone. Particularly when it comes to sexual harassment and related issues, the stakes are high. Clear, consistent and thoughtful communication can help foster a culture of understanding and respect and guide individuals and organisations in navigating the complexities of this Bill once it becomes an Act.

Mr. Speaker, public education is not just a tool for compliance, it is a key part of changing attitudes and behaviours and it's crucial that we use all available platforms, digital and otherwise, to reach as many people as possible. However, misinformation is common and that is why we must be extremely careful and clear in the messages we share. In such a sensitive area where misunderstandings can easily arise, we must ensure that information provided is accurate, transparent and easily understood. This is about creating safer spaces for all and the Government must be invested in making sure that every citizen has access to information. They need to both understand and uphold [not only] this legislation but all others to come.

Effective implementation of this Act hinges on robust public education. The Unit's website must be significantly enhanced to offer timely and relevant content, including frequently asked questions (FAQs), guides and updates on the legislation. A dedicated social media presence is also essential for broader reach and engagement. Dedicated staff will be needed to produce and regularly update these materials, which may involve developing a standard training or information programme on the Anti-Sexual Harassment Act that

can be accessed by the public online, or rolled out within organisations.

Therefore, Mr. Speaker, a legislation of this nature cannot function without a properly constituted unit. I want this on record sir, that adequate support is needed to ensure the successful implementation of this Bill. Given its time sensitive nature, we must act swiftly to ensure legislation can come to fruition.

I now turn, Mr. Speaker, to the details referred to in the Anti-Sexual Harassment Bill, 2025. However, before I begin to read the Bill, Mr. Speaker, I wish to inform this honourable House that the Government will be making some Committee Stage Amendments to clauses 2, 3, 8, 20, 21 and in the Schedule.

The Speaker: Minister, I hear you threatening to read the Bill, I hope that's not what you're going to do. I hope you're going to summarise it.

[Inaudible interjection]

[Quiet Laughter]

Hon. Isaac D. Rankine: Just to make it clear to everyone, sir.

Mr. Speaker, the Bill is divided into four Parts. Part 1 contains preliminary provisions which comprise clauses 1 and 2, as follows:

Clause 1 of the Bill provides the short title and commencement.

Clause 2 is the interpretation clause which sets out the definitions of various terms and words used throughout the Bill. Of particular note are the definitions of "complainant", "respondent", "employer", "employee", "institution" and "Tribunal".

Part 2 deals with the acts that would constitute sexual harassment and the various persons falling within the scope of the legislation. It contains clauses 3 to 6, as follows:

Clause 3 sets out the circumstances to be satisfied in order for an act of sexual harassment to be constituted and it identifies the types of conduct that would amount to sexual harassment. The conduct includes —

- (a) making an unwelcome sexual advance towards a person;
- (b) making an unwelcome sexual comment to a person;
- (c) making an unwelcome sexual comment about a person in their sight and hearing;
- (d) making an unwelcome sexual gesture to a person;
- (e) providing a person with unwelcome sexual images or graphics;
- (f) making it appear to a person seeking employment that the offer of employment or the terms of employment are contingent on the person's acceptance of sexual advances;

- (g) making it appear that a person will receive preferential treatment or other advantage in the employment context only if that person submits to sexual harassment; and
- (h) directly or indirectly engaging in other forms of unwelcomed conduct of a sexual nature.

Clause 4 provides that every employer shall formulate a policy statement concerning sexual harassment in the workplace. It stipulates that the policy statement should include —

- (a) a definition of sexual harassment that is in accordance with clause 3;
- (b) content indicating that every employee is entitled to employment free from sexual harassment;
- (c) content indicating how the employer will deal with the sexual harassment of an employee where it is directed towards a fellow employee or a third party;
- (d) content indicating that the employer would take such discipline measures as the employer deems appropriate against any person under the employer's direction who subjects an employee or third party to sexual harassment;
- (e) Content explaining how complaints of sexual harassment may be brought to the attention of the employer;
- (f) and content indicating that the employer will not disclose the name of a complainant or the circumstances relating to the complaint to any person except where disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures;
- (g) Content indicating that the employee has a right to seek redress through reconciliation or mediation or from a Tribunal under this Act; and
- (h) content indicating that an employee who alleges sexual harassment shall exhaust all internal mechanisms and procedures including conciliation and mediation before instituting proceedings before the Tribunal.

Clause 5 prohibits employers and employees from committing acts of sexual harassment.

Clause 6 requires an employer to take appropriate action on becoming aware, reasonably suspicious, or informed of an act of sexual harassment which—

- (a) is directed to an employee or any person with whom the employer has contracted to facilitate the operations of the place of employment; and
- (b) occurs during the course of employment or on the employer's premises.

Clause 7 imposes sexual harassment liability on an employer for an act of sexual harassment committed by an employer's agents, supervisors and employees if it's proven that—

- (a) the conduct occurred during the course of employment or on the employer's premises; and
- (b) the employer knew, ought reasonably to have known or was informed of the commission of such conduct and on becoming aware, suspicious or informed, failed to take reasonable steps to prevent the continuation of the conduct.

Clause 8 provides that an employee of an institution shall not sexually harass a person who is an inmate, child, ward, resident, client, patient or third party at that institution. This prohibition extends to an inmate, ward or patient of an institution sexually harassing an employee or another person who is an inmate, ward or patient of that institution. It also provides that a person who is in charge of an institution shall —

- (a) formulate a policy statement in accordance with this Act against sexual harassment of inmates, wards or patients of the institution; and
- (b) take all practicable measures to bring the policy statement to the attention of all employees, inmates, wards, and patients by publishing it in a manner which would reasonably allow them to become aware of the policy.

Clause 9 provides that a member or employee of a body which is empowered to confer, renew, extend, revoke or withdraw an authorisation or qualification that is needed or facilitates the practise of a profession, the carrying on of a trade or the engaging in an occupation, shall not subject to sexual harassment a person who applies for a certain authorisation or qualification.

Clause 10 stipulates that a member of an organisation or association shall not subject to sexual harassment any person who —

- (a) is a member of that organisation;
- (b) has applied for membership of that organisation; or
- (c) is a third party.

Clause 11 provides that a person who supplies goods, services or facilities for the benefit of the public or a section of the public shall not subject the intended recipients of those goods, services or facilities to sexual harassment.

Clause 12 provides that a landlord shall not subject a tenant to sexual harassment and a tenant shall not subject a landlord to sexual harassment.

Clause 13 prohibits sexual harassment in the course of transactions relating to—

- (a) the disposing of, or offering to dispose of, real or personal property to that other person;
- (b) the acquiring, or offering to acquire, real or personal property from that other person; or
- (c) the giving a licence or consent for the disposal of an interest in real or personal property.

Clause 14 provides for the professional relationships under clauses 9, 10, 11, 12 and 13 to regulate their conduct in accordance with the relevant provisions of this Act. Also persons falling within these provisions may issue, with modifications that are consistent with the relationship between the parties, the anti-sexual harassment policy statement in the Schedule.

Clause 15 prohibits the victimisation of, or the imposition of a detriment on a person who—

- (a) has made, or proposes to make, a complaint under the legislation;
- (b) has furnished our proposals to furnish, any information, or has produced, or proposes to produce, any document to a person exercising or performing any power or function under this legislation;
- (c) proposes to provide evidence or testimony as a witness in the proceedings under this legislation; or
- (d) has made in good faith an allegation that a person has engaged in conduct prohibited under this legislation.

Clause 16 provides that a person shall not induce, or attempt to induce, pressure or attempt to pressure another person into engaging in sexual harassment.

Mr. Speaker, moving on to Part 3, which deals with the establishment of the Anti-Sexual [Harassment] Tribunal, also referred as the “Tribunal”, and the procedure to be followed when making complaints about conduct involving sexual harassment. This contains clauses 17 to 37 as follows:

Clause 17 provides for the establishment of the Tribunal for the purpose of hearing complaints under this legislation.

Clause 18 provides for that Tribunal to hear and determine complaints related to acts of sexual harassment submitted to the Tribunal under this legislation.

Clause 19 provides that in the exercise of its functions the Tribunal shall not be directed or controlled by any other person.

Clause 20 provides for the composition of the Tribunal. The Tribunal shall comprise of seven members, appointed by the Cabinet on such terms and conditions as the Cabinet may determine. The clause also specified that members shall consist of three attorneys-at-law, with one being the chairperson and the other

two as deputy chairpersons, and four other persons each of whom should have experience and qualifications in either gender, social development, human rights or labour, human services, human psychology, organisational psychology, or human resource management. Further, the clause provides for the circumstances under which a member may be disqualified, the decision-making procedure, filling of vacancies, the obligation of members to act in the public interest and the quorum requirements at the meetings of the Tribunal.

Clause 21 provides that the tenure of the appointment of a member of the Tribunal shall be at the pleasure of the Cabinet.

Clause 22 provides for the declaration of interests where there is a likelihood that a member's interest may impact a matter and therefore compromise the member's ability to sit on the Tribunal.

Clause 23 provides that a member other than the chairperson may resign at any time by giving 30 days' notice in writing, addressed to the Cabinet through the chairperson.

Clause 24 provides that the Cabinet shall at any time, in writing, revoke the appointment of a member on a number of grounds including inability to perform the functions of the member's office, bankruptcy, misconduct and national security.

Clause 25 provides for the instance in which the office of a member may be declared vacant. These include upon death, disqualification, resignation and revocation.

Clause 26 provides for remuneration and expenses of the Tribunal.

Clause 27 contains the immunity and indemnity provisions in respect of the members of the Tribunal.

Clause 28 provides for the procedure to make a complaint to the Tribunal. A person that alleges that—

- (a) the person has been subjected to an act of sexual harassment; or
 - (b) another person is engaging in or has engaged in an act of sexual harassment,
- may, in the form approved by the Tribunal, file a written complaint with the Tribunal setting out the details of the alleged act of sexual harassment.

Clause 29 provides for the procedure to be adopted by the Tribunal on receiving a complaint. The procedure includes—

- (a) recording the complaint;
- (b) carrying out investigations in relation to alleged conduct;
- (c) requesting information from any person and making inquiries; and
- (d) adjourning an inquiry at any stage to enable the complainant and respondent to arrive at an amicable resolution.

The clause also provides for the entity in the ministry responsible for gender, diversity and equality to, at the request of the Tribunal, conduct an investigation and

upon completion of that investigation, submit a report of its findings to the Tribunal.

Clause 30 sets out the procedure for discontinuing proceedings where the Tribunal is satisfied that the complainant does not wish for the proceedings to be commenced or continued or where the complaint is frivolous, misconceived, lacking substance or vexatious.

Clause 31 provides for the procedure of the Tribunal during the hearing of a complaint. During the hearing of a complaint, the Tribunal has the power to—

- (a) compel the production of documents or any other information or thing from any person who the Tribunal has reasonable grounds to believe can assist in determining whether an act of sexual harassment has been committed;
- (b) issue summonses to compel the attendance of a witness at the hearing; and
- (c) examine witnesses on oath, affirmation or otherwise at the hearing.

Clause 32 provides that the Tribunal may adjourn proceedings at the request of a complainant in order to facilitate resolution of the matter.

Clause 33 provides for the orders to be made after the Tribunal is satisfied that the complainant's allegations are substantiated or that the complaint is frivolous or vexatious. These orders include requesting—

- (a) that the respondent not repeat or continue the sexual harassment;
- (b) that the respondent perform any reasonable act or course of conduct to redress any loss or damage suffered by the complainant; or
- (c) that the respondent pay damages to the complainant by way of compensation not exceeding \$25,000 for any loss or damage suffered by reason of the conduct of the respondent.

Clause 34 permits the complainant and respondent at any stage after the filing of a sexual harassment complaint and before the commencement of a hearing to enter into an agreement to settle a sexual harassment complaint.

Clause 35 stipulates a person who is, or has at any time been, a member of the Tribunal or has an official duty to administer this legislation shall not, either directly or indirectly—

- (a) divulge or communicate to any person, any information relating to the affairs of another person acquired by the member of the Tribunal as a result of the member's office for the purpose of this legislation;
- (b) make use of any such information as mentioned in the paragraph above; or

- (c) produce to any person a document relating to the affairs of another person given for the purposes of this legislation.

Clause 36 prohibits the publication of any report of the proceedings of the Tribunal unless leave of the Tribunal is granted.

Clause 37 permits a person aggrieved by a decision of or any power exercised by the Tribunal to appeal to the Grand Court against that decision or exercise of power.

Finally, Mr. Speaker, Part 4 contains clauses 38 to 42 which provide for miscellaneous matters such as the standard of proof and the making of regulations.

Clause 38 provides that a question of fact arising in any proceedings under the legislation, other than criminal proceedings, shall be decided on the balance of probabilities.

Clause 39 empowers the Governor in Cabinet to make regulations for the effective implementation of the legislation and for carrying the legislation into effect.

Clause 40 specifies that the legislation binds the Crown.

Clause 41 repeals section 7(2), (3) and (4) of the Gender Equality Act, 2011.

Clause 42 provides for the savings and transitional provisions.

Mr. Speaker, before I commend this Bill for a second reading, I must take the time to recognise the extremely hard-working and dedicated staff, not only at my Ministry for taking this Bill at the last minute... I repeat again sir, the staff member of the Gender Affairs Unit, Ms. Karlene Bramwell. I also want to thank Mr. José Griffith and Ms. Felicia Connor of the Legal Drafting, and persons who assisted in the development of this Bill from that perspective, as a part of the Cayman legislative package, and all other stakeholders, like the Law Reform Commission who over the years have worked tirelessly in this very challenging area.

Mr. Speaker, I also want to thank all those Members in this honourable House who made themselves available for the reading of this Bill. The passage of this legislation would mark a historic moment for the Cayman Islands, a moment when we take a stand for dignity, justice and equality. It's not just about meeting international obligations, Mr. Speaker, it's about protecting our people. The time to act is now and I urge my colleagues in the honourable House to support this Bill wholeheartedly.

With that, Mr. Speaker, I commend the Anti-Sexual Harassment Bill, 2025 to this honourable House for its second reading.

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

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I rise on behalf of the Official Opposition to offer remarks on the Anti-Sexual Harassment Bill, 2025, a Bill for an Act to provide for the prevention of sexual harassment and for incidental and connected purposes.

Mr. Speaker, we in the Official Opposition very much welcome this Bill coming before the Parliament this evening. There has been much debate in the media and elsewhere about what constitutes controversial legislation, and as I stated in the debate on the Referendum Bill, it should not be controversial in a modern democracy to legislate for the people to have their say on matters of national importance. While there were those who wanted to argue otherwise for their own political ends about the Referendum Bill, I hope and pray that there will be no one in this Parliament tonight who will argue that it is controversial to seek to protect people from sexual harassment in the workplace and elsewhere.

Mr. Speaker, this is a piece of legislation that is long overdue. Concern over the vulnerability, particularly of women, to harassment has been expressed for many years now and we in Parliament have been too slow to respond. We in the Official Opposition must acknowledge our own failure in this respect. Draft legislation was prepared by the Law Commission over a decade ago, but the work needed to bring it to Parliament was not given enough priority. There always seemed to be more immediately important matters for scarce parliamentary drafting time and as a result, the draft legislation was left on the shelf for far too long.

Mr. Speaker, we cast our minds back nearly four years to the barrage of promises made by the newly installed PACT Government, legislation to combat sexual harassment was identified as a key priority. Despite the promises made, it is only now, at the very end of this four-year term and after changes of Premier and ministerial responsibilities that the Bill has finally reached Parliament.

Mr. Speaker, after all the delays, we must recognise the work done by the Premier and the Minister for Gender Affairs for pushing this work forward and for bringing the Bill to Parliament tonight. We are grateful to them for their diligence and perseverance.

Mr. Speaker, while we welcome this Bill and pledge Opposition support to help it become law, there are a number of issues I'd like to raise and which I would ask the Minister to consider. The most significant issue, I believe, is the need to think about this subject more broadly than the current language allows for.

This Bill is framed on its face as a Bill for an Act to provide for the prevention of sexual harassment. Then the objects of the Bill are stated as to provide for the prevention of sexual harassment and the introduction of remedies in circumstances where a person makes a sexual harassment complaint. Mr. Speaker, despite the emphasis on prevention at the head of the Bill, the overwhelming emphasis in the Bill itself is on how to deal with complaints about harassment that

have already happened. There is very little about prevention.

Mr. Speaker, employers and institutions will be required to put in place a policy that refers to the prevention of sexual harassment. However, the detailed measures in the Bill that deal with preventions are limited in clauses 6 and 7 to circumstances where employers fail to prevent the continuation of harassment they know has occurred, rather than prevention in the first instance.

The potential sanctions in cases where sexual harassment is proven could of course also be seen as a prevention measure, as they may carry some deterrent effects, Mr. Speaker. However, in our view, we must do more than is envisaged by the Bill to prevent sexual harassment from happening in the first place, rather than simply attempting to deal with its consequences.

Mr. Speaker, changes to the law in the United Kingdom that came into effect last year placed a new duty on employers to take reasonable steps to prevent the sexual harassment of their employees. This means that there is a clear and explicit requirement on employers to anticipate when sexual harassment may occur and seek to prevent it. The benefits of this explicit duty is that it sends a very clear signal to all employers that they must take reasonable preventative steps and reduce the likelihood of sexual harassment occurring.

Mr. Speaker, we would like to see an equivalent duty to prevent as part of our approach in the Cayman Islands. We believe this could be an important stimulus to speeding up the culture change that we believe is necessary in many workplaces. We recognise however, that this is not a matter that can be dealt with now by amending the Bill as it is not a simple matter, and having waited so long for the Bill to emerge, I would now not want it to be delayed in its passage.

Mr. Speaker, we cannot allow the great to become the enemy of the good. Instead of dealing with this issue now, I would ask that the Minister and the Ministry staff investigate the "duty to prevent" as it's operated in the United Kingdom and bring forward suitable amending legislation in the future.

Mr. Speaker, our other general concern is that the legislation as drafted says very little about support for victims of sexual harassment. The remedies set out in the Bill may help to prevent further abuse of those who have suffered and may penalise those who contravene its requirements, but it does not say anything about how victims will be offered counselling advice and support. We recognise that this may not be a matter for the legislation, but we know that the lives of victims can be profoundly affected by their experiences of harassment and we hope that the Minister will think about how his Ministry can work with community organisations, including the Cayman Islands Crisis Centre, to ensure that appropriate victim support services are developed and delivered.

Mr. Speaker, if those are two points of principle, I also want to raise three points about the detailed provisions within the Bill. First, we have listened to representations from a number of groups interested in the legislation about their concerns over the adequacy of the sanctions and compensation provisions within the Bill and, as I said earlier, we recognise the profound impacts that sexual harassment can have on the lives of victims.

I also made mention earlier of the practice in the United Kingdom. Their compensation for victims takes into account a wide range of factors including loss of earnings, emotional harm and distress and physical and psychological injuries. In rare cases, Mr. Speaker, there can also be an award of aggravated damages. For example, when the harassing behaviour is particularly severe or where repeated opportunities to prevent harassment were not taken.

I would add that the compensation payments in the UK can now be uplifted by up to 25 per cent if an employer is found to be in breach of the duty to prevent, which I referred to earlier. Mr. Speaker, financial awards of compensation made by the Tribunals in the UK in cases of sexual harassment are therefore uncapped.

Mr. Speaker, I agree with those who are critical of the proposed cap in the Bill before us and I would be grateful if the Minister could explain the logic behind the idea of a cap and why the figure has been set at \$20,000. If he is not willing to remove the idea of a cap altogether, I ask if the Minister would be willing to increase the proposed limit.

Secondly, Mr. Speaker, we are also troubled by the inclusion of a potential financial penalty for a complainant whose allegations are found by the Tribunal to be vexatious or frivolous. In such cases, clause 33 in the Bill before us would enable the Tribunal to levy a charge on the complainant to meet the cost of the Tribunal and of the respondent up to a total of \$10,000.

Now, Mr. Speaker, we recognise that there is a risk of vexatious complaints and we also understand the desire of the Minister to avoid them; however, let us get the risk assessment right. Vexatious complaints are a potential future risk as yet unknown and unqualifiable. Sexually harassing behaviour in the workplace and elsewhere is a risk impacting the lives of hundreds of our fellow Caymanians and residents. We know that the problem of sexual harassment is under reported, as the Minister said, and sadly, it is likely to remain so even after this legislation is enacted. International evidence suggests that only around one-third of those who experience sexual harassment report it and that the main reason for non-reporting is a fear that the complainant will not be taken seriously; a fear that if they are willing to stand up against their harassers, then a Tribunal could interpret their complaint frivolous and fine them up to \$10,000. This will give potential complainants another reason for non-reporting.

Mr. Speaker, we fear that this may be a particular issue for male victims of harassment. While the overwhelming majority of victims are female, there are also male victims, and already many of them are reluctant to raise the issue for fear that they will not be believed or they will be ridiculed. The suggestion that any complaint by them could be regarded as frivolous and result in them bearing hefty costs may increase that reluctance even further. If we are serious about tackling sexual harassment then we must make it easier to bring the complaints, not put in place arrangements that may make victims less likely to report them.

Mr. Speaker, there are other remedies available to those who feel that they are subject of vexatious accusations. We do not need to include sanctions against complainants in this Bill and we ask the Minister to reconsider clause 37(3)(f) [sic].

My final concern, Mr. Speaker, centres on the creation of the Anti-Sexual Harassment Tribunal itself, under Part 3 of the Bill. There is no doubting the need for a Tribunal, but my question is whether the Cayman Islands really needs three different Tribunals, each with responsibilities relating to employment. We already have a Labour Tribunal to hear the claims such as unfair dismissal and a Gender Equality Tribunal to consider matters of gender-based discrimination. Now, it appears we intend to add a third Tribunal for sexual harassment cases.

Mr. Speaker, it is not just a search for efficiency that would suggest we do not need three employment Tribunals. I am also concerned that we should make things as straightforward as possible for employees seeking to make a complaint. It's certainly possible to think that an employee who is subject to sexual harassment might also be subject to sexual discrimination in the workplace. He or she should not have to seek redress from two different Tribunals, or indeed from three if he or she subsequently loses their job.

The Ministry may argue that the proposed Anti-Sexual Harassment Tribunal has a remit that goes beyond employment to consider matters relating to other institutions. Mr. Speaker, that is of course true. However, it must be easier for us to design a single Tribunal that could cover employment and such other institutional arrangements than it is for potential complainants to navigate the labyrinth of multiple Tribunals. Again, this is a balance of risk issue, and in my view, the risk to complainants is the one that we should prioritise.

Mr. Speaker, my first thought was at the very least we could give this responsibility to the Gender Equality Tribunal. However, it is not a matter of simply changing that in the Bill as, for example, the composition of that Tribunal does not accord with that of the Anti-Sexual Harassment Tribunal as set out in the Bill before us. As I have said before, Mr. Speaker, I do not want to delay this legislation, so rather than trying to unravel the proposed Tribunal arrangements now, I suggest that the Ministry makes a note and proposes

to the next Government that they should consider rationalising the roles of the three employment Tribunals into one.

While I look forward to hearing the Minister's response, Mr. Speaker, I thank him and his staff once again for bringing this legislation forward. It is long overdue and I can assure him that he has the support of all Members of the Official Opposition. Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak?
[Pause] The honourable Member for West Bay Central.

Hon. Katherine A. Ebanks-Wilks, Elected Member for West Bay Central: Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer my support to the Anti-Sexual Harassment Bill, 2025.

Mr. Speaker, this Bill introduces clear boundaries on what is considered inappropriate behaviour that constitutes sexual harassment. The Bill sets out circumstances that need to be satisfied in order for an act of sexual harassment to be constituted. It also, as we've heard from other Members, establishes the Anti-Sexual Harassment Tribunal that will hear and determine complaints made relating to the acts of sexual harassment.

I made a note when listening to the Leader of the Opposition as he made mention of the need for the additional Tribunal. I'm sure the Minister will also touch on it in his right of reply, but this was actually done to find consensus, as the Gender Equality Tribunal was not seen as an appropriate Tribunal to consider the matters.

Mr. Speaker, the passage of the Bill will subsequently prompt a national educational campaign on what is deemed as unacceptable behaviour in the workplace for both males and females. I just want to stress the fact that sexual harassment isn't just towards females, but we also have males who are victims at times of sexual harassment. Mr. Speaker, I just want to say that this is an important piece of legislation that will result in citizens in the Cayman Islands feeling safer in the workplace.

I'm happy to see that we have it here today and I'd like to take just a brief moment to thank some of the champions of this legislation, particularly the Business Professional Women's Club, I know Mrs. Annie Moulton was very involved way back in the day; as well as Ms. Joannah Bodden; and the Gender Affairs Unit of one, Ms. Karlene Bramwell; and of course the Ministry. Mr. Speaker, I am certainly happy to lend my support to this legislation today.

The Speaker: 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— the honourable Member for Savannah.

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

Mr. Speaker, I rise to give a short contribution and offer my support to the Anti-Sexual Harassment Bill, 2025.

Mr. Speaker, this evening it brings me great satisfaction to know that a Bill of this magnitude has finally reached the Floor of Parliament. It is a Bill that has been left behind for too long and I'm happy to see that it's reached the stage.

Mr. Speaker, it clearly sets out the circumstances to be satisfied in order for an act of sexual harassment to be constituted and it defines the types of conduct that would amount to sexual harassment. The conduct includes "Part 2 - Protection from Sexual Harassment", and I know that the Minister read this out but I will just go through this briefly.

Part 2 deals with the acts that would constitute sexual harassment and the various persons falling within the scope of the legislation. It contains clauses 3 to 16.

Clause 3 sets out the circumstances to be satisfied in order for an act of sexual harassment to be constituted and it identifies the types of conduct that would amount to sexual harassment, and this includes—

- (a) making an unwelcome sexual statement or advance towards a person;
- (b) making an unwelcome sexual comment to a person;
- (c) making an unwelcome sexual comment about a person in their sight and hearing;
- (d) making an unwelcome sexual gesture to a person;
- (e) providing a person with unwelcome sexual images or graphics;
- (f) making it appear, to a person seeking employment, that the offer of employment or the terms of employment are contingent on the person's acceptance of sexual advances;
- (g) making it appear that a person will receive preferential treatment or other advantage in the employment context only if that person submits to sexual harassment; and
- (h) directly or indirectly engaging in any other form of unwelcome conduct of a sexual nature.

Mr. Speaker, clause 4 provides that every employer shall formulate a policy statement concerning sexual harassment in the workplace, and that brings us great pleasure to know that this will happen. It stipulates the following, that the policy statement should include—

- (a) a definition of sexual harassment that is in accordance with clause 3 of this legislation;

- (b) content indicating that every employee is entitled to employment free from sexual harassment;
- (c) content indicating how the employer will deal with the sexual harassment of an employee where it is directed towards a fellow employee or a third party;
- (d) content indicating that the employer will take such disciplinary measures as the employer deems appropriate against any person under the employer's direction who subjects any employee or third party to sexual harassment;
- (e) content explaining how complaints of sexual harassment may be brought to the attention of the employer; and
- (f) content indicating that the employer will not disclose the name of a complainant or the circumstances related to the complaint to any person, except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures;
- (g) content indicating that the employee has a right to seek redress through conciliation or mediation or from a Tribunal under this Act; and
- (h) content indicating that an employee who alleges sexual harassment shall exhaust all internal mechanisms and procedures including conciliation and mediation before instituting proceedings before the Tribunal.

Mr. Speaker, I know the persistence of members of the Business and Professional Women's Club who have toiled long and hard hours, and years for that matter, will be delighted for the safe passage of this Bill.

Mr. Speaker, I can think of one person this evening who has championed this and that is Mrs. Annie Moulton. I know she stood firm and never failed to connect with me or any other Member of Parliament to ensure this legislation was deemed important, and a part of her has never been forgotten. It is an essential first step and we must ensure this Bill comes to its full fruition.

Mr. Speaker, I give this Bill, the Anti-Sexual Harassment Bill, 2025, my full support.

The Speaker: Honourable Premier.

[Pause]

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

Mr. Speaker, it gives me great pride to rise this night, as today marks a pivotal moment in our journey towards a more just and equitable society in the Cayman Islands. The pride is great and there is a profound

sense of responsibility as I stand before this honourable Parliament today to support the Anti-Sexual Harassment Bill, 2025.

This legislation, you see, is not merely a document, it is a commitment. A commitment to safeguard the dignity and the rights of every single individual in our community. Mr. Speaker, sexual harassment is a pervasive issue that affords countless lives. It undermines our collective values and the very fabric of our society. We cannot therefore, and will not, continue to tolerate such behaviour in any form and I am happy to say that section 40 binds the Crown.

The intent of this Bill is clear. It's to create a robust framework that addresses sexual harassment in all of its manifestations. The Bill defines sexual harassment in a comprehensive manner, covering verbal, physical and visual conduct that creates an intimidating, hostile or offensive environment. Mr. Speaker, it establishes a comprehensive protection for victims, ensuring that they have the requisite support and resources that they need to come forward without fear of retaliation.

Mr. Speaker, this legislation will not only define what constitutes sexual harassment but will also mandate clear reporting procedures and impose strict penalties for the offenders. The Bill also requires employers to implement policies and provide training on preventing harassment. Key provisions include the safeguarding of victims from retaliation and ensuring that organisations are proactive at addressing harassment issues.

Mr. Speaker, it is also important to take cognisance of the fact that this Bill has not been crafted in isolation. It is the result of several town halls and extensive public consultations, including two sessions where invaluable feedback from the communities was received. Additionally, a round table discussion with key stakeholders was conducted and included advocacy groups, legal experts and business leaders. Their insights have been quite instrumental in the shaping of this legislation, ensuring that it addresses the realities that are faced by Caymanians and residents alike.

In doing so, Mr. Speaker, we are sending a strong message that our Islands will not be a jurisdiction where disrespect and abuse thrive. We are reinforcing our commitment to foster an environment where everyone, bar none, regardless of age, gender or background can feel safe and respected in their workplaces, schools and communities.

Mr. Speaker, I would like to take a moment to express my heartfelt gratitude to all those who have worked tirelessly to bring this Bill to fruition. To our legal experts, thank you for your guidance in crafting a Bill that is not only comprehensive but one that is enforceable. The Anti-Sexual Harassment Bill, 2025 is a testament to the power of collaboration. It reflects the voices of our people and also the values we cherish as a nation. Together we are taking a significant step forward in eliminating sexual harassment from our society.

As we move forward with this Bill, let us therefore remember that our work does not end here. We must continue to educate our community, raise awareness and foster a culture of respect and yes, accountability. Mr. Speaker, let us also remember that with the passage of this Bill, it is not just a mere obligation or a campaign promise. It is an opportunity to reaffirm the values of respect, dignity and equality that make our beloved Isles so very special.

In closing Mr. Speaker, I would urge all Members, whether you speak to it orally or by tacit support, to support this Anti-Sexual Harassment Bill. Let us stand united in our commitment to protect those who have been marginalised and to champion the rights of every individual here in these Cayman Islands. I wish to thank the Members of this honourable House for their unwavering commitment in creating a safer Cayman Islands, and I, in particular, congratulate my Honourable Minister responsible for Gender Affairs for championing this important draft Bill.

I join in with the support expressed and with the anticipated support that is necessary to see the safe passage of this draft Bill through this honourable Parliament. With that being said, I wish once again to reiterate, this is not just the Government putting legislation in place for the private sector, but section 40 does in fact bind the Government and so we're going to lead by example and let the word go out that the Cayman Islands will not be a place where we brush underneath the carpet, sexual harassment on either gender. May it please you, Mr. Speaker.

The Speaker: The honourable Member for Prospect.

Mrs. Sabrina T. Turner, Elected Member for Prospect: Thank you, Mr. Speaker, I'll be brief.

Today, I stand to express my unwavering support, Mr. Speaker, for the Anti-Sexual Harassment Bill, 2025, which is a critical, critical step in safeguarding the dignity, safety and rights of individuals across the Cayman Islands. This is indeed a step in the right direction, which is long overdue, that has been echoed by so many of us in here, but definitely from both sides today. It is also key that we highlight that this legislation is inclusive of all genders.

The draft of this Bill was first published on or around March 1st, 2023, which has had much public consultation and dialogue and we have definitely heard the voice of those who have constantly advocated for change. Every day, Mr. Speaker, countless individuals face the traumatic consequences of sexual harassment, be it in the workplace, educational institution or even in public spaces. We have read our local tabloids and we have seen some cases even in our public transport services. These acts not only violate personal boundaries but also undermines the collective efforts towards equality and definitely justice.

It is our moral obligation to create that environment, Mr. Speaker, where everyone can definitely work

and learn free from fear and intimidation. We understand that there is a taboo in how males may actually feel. It has been echoed here that many cases and situations have gone under-reported and I can guarantee you that should data be collected, we will find that the under-reporting will come from many of the males within our community.

I echo the sentiments of our Honourable Premier and reiterate that it's true—this piece of legislation is not just legislation, but is actually a powerful declaration that we, the Cayman Islands and the people, will definitely not tolerate harassment in any form. We understand that this introduces comprehensive measures to prevent, address and remedy instances of sexual harassment. By establishing clear definitions and procedures, we will also be able to create and foster that environment where we empower victims to speak out and seek justice without the burden of shame, confusion and definitely being handled with dignity.

Moreover, Mr. Speaker, the Bill emphasises serious education and public awareness. I can reiterate and I can emphasise that a behaviour change for many has to happen. It is a culture shift. We have to be careful. It is quite common for us to go around and just touch our colleagues and friends and use the phrases “darlin’”, “sweetheart”, “honey bun”, but nothing with it in a sexual nature to actually align with harassment. A tap on the shoulder to make sure that you care, based on the environment, based on the conversation. That is who we are.

Now I have to be careful even how we run jokes amongst each other. Everyone knows me. I have to now do a mental shift. Read the room, understand body languages. Have I gone too far? Am I going too far? I agree that there has to be public dialogue, much training and public awareness campaigns will be vital for us to cultivate respect, understanding and acknowledgment of consent. That is the key takeaway. We must foster a culture that champions respect for all individuals, regardless of their gender and background.

Mr. Speaker, as I stated, this is definitely a huge step in the right direction. I thank and would like to acknowledge all of the advocates who have never given up on the fight for this piece of legislation; as repeated here, definitely the likes of the Business and Professional Women's Club (BPW) Grand Cayman, who have been advocates for this type of legislation up to now in 2025, nearly 22 years! Congratulations to them, and definitely to upstanding citizens like Mrs. Annie Moulton, who has been repeated here tonight. That speaks volumes. She's also a founding member of this association. Also, our present chairlady, Ms. Cheryl Myles, who will definitely continue to fight and stand up for this organisation. This is just to name a few. We cannot overlook the hard work—when you hear of this piece of legislation, one outstanding civil servant definitely comes to mind without even saying, that's Ms. Karlene Bramwell, who's in the Chamber here tonight. Thank you.

[Desk thumping]

Mrs. Sabrina T. Turner: This definitely has your stamp on it along with the many other government agencies and legal drafting teams who have spent many, many hours in order for us to discuss this on the Floor tonight. Let us also consider the voices of those who have suffered in silence for far too long. This Bill, Mr. Speaker, will definitely give them hope; a hope that their experiences will no longer be brushed aside, but recognised and addressed with the seriousness that they definitely deserve.

This might not be a perfect piece of legislation, as discussed and highlighted here tonight, however, the under-reporting cannot be taken lightly and we must do everything in our power to ensure that whatever processes are put in place, persons will feel comfortable and assured that they will not be ridiculed, they will be taken seriously and handled, most importantly, with dignity.

I have to repeat it for emphasis, this will be a culture change and a mindset change in how we live in our community harmoniously.

In conclusion, Mr. Speaker, as I stated at the beginning, this is a vital piece of legislation and together we can create a safer, more inclusive society for generations to come. Let us stand united here tonight in a resounding message. Let that message sound that we will not tolerate sexual harassment and let us all support this Bill for dignity and for the future we all envision. Thank you.

[Desk thumping]

The Speaker: Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] The honourable Acting Deputy Governor?

Hon. Gloria McField-Nixon, Acting Deputy Governor: Thank you, Mr. Speaker, ever so briefly. I rise today to express support as the Acting Head of the Civil Service for the objectives that have been set out in this Anti-Sexual Harassment Bill before this honourable House.

Mr. Speaker, while the Civil Service has long maintained robust policies to combat sexual harassment and upheld a zero tolerance policy, we wholeheartedly welcome this landmark legislation. I commend the Honourable Minister, the Premier and the Government for their leadership in bringing this Bill forward.

Mr. Speaker, a key provision of the legislation is the establishment of a dedicated Tribunal to hear complaints. It is noteworthy that complainants must first exhaust internal complaint procedures before approaching the Tribunal, a measure that will ensure organisational accountability remains at the forefront.

I must emphasise that, when approved, considerable work still lays ahead. The Tribunal must be

adequately resourced and comprehensive policies, procedures and educational material must be developed. I pledge that the Civil Service, as the single largest employer in these Islands, will collectively provide our full support to ensure the Tribunal's effective functioning and, within our workplace, to continue to provide robust protection against sexual harassment for our employees of all genders.

Although we have maintained stringent policies in this domain, we recognise the importance of continuing education and awareness. To this end, as part of the performance objectives for all civil servants in 2025, the Civil Service has implemented mandatory anti-sexual harassment training which will be available both online on CIGs learning management system, as well as able to be delivered in person in order to meet the diverse learning styles within our organisation. This training will be taken this year, either as a refresher course for many longstanding employees or as new training for more recent hires, ensuring universal understanding of what constitutes sexual harassment, of CIGs policy position on that and the proper reporting procedures if anyone experiences this and needs to make a report.

Mr. Speaker, this Bill represents a significant leap forward in protecting the rights, well-being and dignity of all workers, regardless of their gender. It deserves the full support of this honourable House and the Civil Service stands ready to play its part in the implementation and upholding of its principles. Thank you, Mr. Speaker.

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

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

Mr. Speaker, I don't plan to be long, but I thought it would be important for me to add my contribution in support of this Bill, which I will say, thank you, firstly, to the Minister now with responsibility for gender affairs, for presenting this evening in Parliament.

Mr. Speaker, for as long as I've been in Parliament, I have never understood why this is something that people seem to have difficulty with putting forward as a priority and delivering it. As others have noted, the legislation is gender neutral. It is not just women who suffer sexual harassment, it is men as well.

However, Mr. Speaker, the dynamic when it comes to women is often vastly different from the dynamic when it comes to men. Unfortunately, we live in a world that is male dominated, and when you add the power dynamic in to the equation, that's when it becomes even more difficult. The power dynamic makes it a whole other situation that women tend to experience far more.

Mr. Speaker, I am not going to get into the technical aspects of the Bill, I am just so incredibly grateful that we finally have this before us tonight.

I haven't checked, but I would be willing to bet that just about every—if not every—constituency in this country is dominated by the female gender, and that's why I started off saying I could never understand how politicians would not feel that this should be a priority. If the majority of the people who you are responsible for, the majority of the people who vote for you, are the majority of the people who suffer the main consequences of sexual harassment, then I would have thought that would be a driving factor.

Be it as it may Mr. Speaker, so many people have been involved in ensuring that we are where we are today and I will thank the Members of the minority Government who have prevailed to get this here. As I said, I thank the Minister for delivering it.

Mr. Speaker, this Bill, probably in a slightly earlier version, went through at least nine months of public consultation, because when the normal public consultation process was conducted there always seemed to be views of, *"well, that's not enough"* or not enough people responded; but that's fine, we ended up doing extensive consultation on the Bill. In terms of consultation and finalisation of the Bill, it was probably ready from the end of 2023.

Yes, there have been additional changes. Interestingly, I note that the Leader of the Opposition made comments in terms of having a third Tribunal, and that was one of the issues that was under discussion over a year ago—year and a half, two years ago now. A slightly different approach was taken following that consultation, clearly, and there was a view to put in place this third Tribunal. That's fine. I'm just happy that it is here.

I am happy that today the Cayman Islands can say that it is finally going to be addressing an issue that women in this country have begged for, for 20 years. We have seen, through the work of some really good people, the negative impacts of it, how women could be absolutely terrified, emotionally distraught, stripped of their dignity. Yeah, there are those who may want to make light of these comments, Mr. Speaker, but those are some harsh realities.

Mr. Speaker, with the help of God, I have been in a position of leadership in various scenarios, both public and private and I have seen these issues and I have had to deal with these issues. I know, I know the effects. When I have a woman colleague sitting in front of me, completely emotionally shattered and saying that they are seriously contemplating taking their own life—you cannot get any more serious an issue.

We should have dealt with this before. It was a priority of the 2021 Government and it is here today and I'm very happy about that. I am happy that we're sending this message to the women of the Cayman Islands, who are the majority of the people that we represent in this honourable House.

Mr. Speaker, is it perfect? Probably not. I know when the Honourable Leader of the Opposition stood and I listened to him for a few minutes, I thought, I'm

getting a little concerned that this may indeed cross that oft-used phrase of *"Not letting perfect be the enemy of the good,"* but the comments that were made were helpful. I think what it reflects is that once this is fully implemented we need to continue to build on it, because it is such a significant piece of legislation, Mr. Speaker.

I'm not going to stand here tonight and try to play any politics at all. Irrespective of the season, irrespective of when the election is, this is too important a piece of legislation to make fun of it and degrade it by playing silly games.

Mr. Speaker, I know there are some amendments that are proposed. I've had a look at those. I can live with them because I think this piece of legislation is too critical for us to get in place to help protect the entirety of our society, but in particular, the women of our society who are most vulnerable and who are subjected more to this kind of issue, sexual harassment, than any other.

Mr. Speaker, with those few words, I again indicate my thanks and my support for the Bill and I thank you for the opportunity.

The Speaker: 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 invite the Honourable Minister to exercise his right of reply.

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

Mr. Speaker, I want to thank all those Members who spoke for their support and all those who didn't for their tacit support as well.

I guess this would be the fifth time tonight you'll hear this quote, but we are not going to be able to allow, *"perfect to be the evil [sic] of good"* on this Bill, sir. The Bill is not perfect; no Bill is perfect when it comes here, but certainly we need to start somewhere. We need to give it an opportunity to work. Certainly, I hear what the Leader of the Opposition has said and I heard what the other Members from the Opposition said as well.

Mr. Speaker, I want to thank this whole House, especially again, Ms. Karlene Bramwell, Mr. José Grifith and Ms. Connor for the hard work that they put in on this Bill, and all the other Members and stakeholders for the work they've completed over the last several years to get the Bill to this point, where this Government could present it in this House tonight.

Thank you so much, Mr. Speaker.

The Speaker: The question is that a Bill shortly entitled Anti-Sexual Harassment Bill, 2025 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Anti-Sexual Harassment Bill, 2025 was given a second reading.

GRAND COURT (AMENDMENT) BILL, 2025

The Speaker: I recognise the Honourable Attorney General.

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

Mr. Speaker, I rise to present the Second Reading of a Bill entitled the Grand Court (Amendment) Bill, 2025, the long title of which is, a Bill for an Act to amend the Grand Court Act (2015 Revision) to increase the number of members of the Rules Committee of the court; to change the frequency of sessions of the court; and for incidental and connected purposes.

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

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

Mr. Speaker, it's a very short Bill. The Bill, as it says, amends the Grand Court Act to increase the number of members of the Rules Committee of the court and to change the frequency of the sessions of the court; to provide for incidental and connected purposes.

Clause 1 provides for the short title.

Clause 2 amends section 2 of the principal Act by repealing and substituting the section heading and by inserting a definition of "Rules Committee".

Clause 3 amends section 19 of the principal Act by increasing the number of members on the Committee. Mr. Speaker, the Rules Committee, just for Members' benefit, is a committee that is established under section 19 of the Grand Court Act. It is a number of persons, Chief Justice, myself and two other practitioners from the private bar, who meet from time to time to look at the rules that regulate the conduct of business in the criminal and civil court as well as the—

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: It's not quite happy hour yet.

[Laughter]

The Attorney General, Hon. Samuel W. Bulgin: The Rules Committee Mr. Speaker, as I said, sort of creates and revises rules that regulate pleading, practice and procedure in respect of the conduct of criminal business and civil business before the Grand Court in relation to all matters; as well as doing things like prescribing forms to be used in the court proceedings; prescribing the fees and costs to legal practitioners; as well as prescribing books and accounts to be kept by the courts

officers; dealing with things like regulating the taking and giving of admission of evidence; and how you'd reference matter to arbitration. It's a very important set of functions, but extremely technical, very detailed, meetings invariably run for three hours and so on.

The current membership is four: Chief Justice, Attorney General and two other members. Mr. Speaker, given the amount of work, the plan is to try and increase the membership to at least seven, or a maximum of seven. It is proposed that the Chairman should remain the same, the Chief Justice; there will be the Attorney General; and the amendment will say that the number be increased to a minimum of two and a maximum of five others. That, in effect is what it is.

Mr. Speaker, there will be a slight Committee Stage Amendment because with the new proposed number of members, there is a need to adjust the quorum, which was overlooked so there's a slight committee Amendment which will also deal with the quorum as well.

Mr. Speaker. There is one other issue relating to this Bill and that has to do with how the court orders its sittings. Members now are aware that usually what happens is that we have a Grand Court Opening in January each year. Speeches are given, the work for the last year is dealt with and we sort of look forward to what's coming down the pipeline. Essentially, what happens is that once the court opens in January, it runs continuously to December. In other jurisdictions, you have what is called "legal vacations" and all of that. For some reason, we've never had that.

What the Chief Justice is trying to do, and those of us who were present at the Grand Court Opening in 2024 January would have heard her speak to that, where she is proposing that the Court be broken down, so to speak, the sitting of the court would be broken down into three terms.

You will have a spring sitting from 4th January, or the first working day immediately thereafter, until the Wednesday before Easter Sunday. Thereafter, there will be a summer sitting and that will be from the second Tuesday after Easter Sunday until the 31st July, or the last working day thereafter. Lastly, there will be a winter sitting which will begin on the third Tuesday of September and end on the 22nd December, or the last working day thereafter. This means, Mr. Speaker, generally, that the judges will sit for 12 weeks in the spring, followed by a week off; then the summer term lasts 16 weeks, with between six to seven weeks off, depending on when the Easter falls; and then the winter term will last just over 13 weeks, followed by two weeks' vacation.

Mr. Speaker, she did mention that that will facilitate a number of things, including much needed repair to the roof of the courthouse and other areas of the building, as well as allowing judges to take their well-deserved break. Although, it is understood that when the judges take vacation, what they do is really use their

vacation to write judgments so as not to have any backlog in the delivery of judgments. Hopefully with some of these much longer breaks, some of the judges, especially those who sit in the criminal division, will be able to carve out a bit of vacation. It also provides an opportunity for staff to be engaged in training and for judges where it is necessary.

In summary, that is the extent of the Grand Court (Amendment) Bill, Mr. Speaker and I would therefore commend it to honourable Members. I thank you.

The Speaker: Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Honourable Member for Bodden Town West.

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

My comments will actually be quite brief, but I just rise to say, I think in recognising the separation of powers, this being the Parliament and next door being the Judiciary, is that generally they are separate entities as part of our checks and balances between the Legislative, the Executive and the Judicial. The only thing I want to raise and bring to the Attorney General's attention is that normally whenever you're preparing for these debates, even though the amendments are quite small, we generally go back and read the original legislation to get a better understanding of exactly what we're looking at. While the Bill may be small, when I was reading the Grand Court Act, I noticed that there were some provisions in the Grand Court Act and also some in the Parliament (Management) Act that were a little bit inconsistent for two entities that are supposed to be independent.

Case in point, the appointment of officers. In the Grand Court Act, it basically says that the Chief Officer appoints members of the staff in conjunction with the Chief Justice, which I think is the correct thing to do, [since it's] recognised as a separate legal entity. However, I noticed in the Parliament (Management) Act that that doesn't happen over on this side, with neither the Speaker or with the Parliament Management Council.

Recognising that these are two independent bodies, I think at some point, maybe the Law Reform Commission or something can look at both bodies in terms of its independence to make sure that they're truly independent with regards to the Speaker having literally the same authority in this building as the Chief Justice has in their authority in that building.

That's one of the observations I picked up as I was reading the legislation preparing for this, but outside of that, I have no comments on the operations of the court. It is independent, the Chief Justice will know what's best and I'll leave it at that. Thank you, Mr. Speaker.

The Speaker: 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'll invite the Honourable Attorney General to exercise his right of reply.

The Attorney General, Hon. Samuel W. Bulgin: I thank you Mr. Speaker, and I thank the honourable Member for Bodden Town West.

I note the observation made, Mr. Speaker. I think the Parliament (Management) Act was a 2020 creation; it's in its nascent stages and the hope is that with the passage of time we will have some sort of a harmonised approach in terms of appointments, dealing with these important, respective arms of government.

Thank you very much, Mr. Speaker, thanks to all honourable Members for their support for the Bill. Thank you.

The Speaker: The question is that a Bill shortly entitled the Grand Court (Amendment) Bill, 2025 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Grand Court (Amendment) Bill, 2025 was given a second reading.

CRIMINAL PROCEDURE (AMENDMENT) BILL, 2025

The Speaker: I recognise the Honourable Attorney General.

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

Mr. Speaker, I beg to move the Second Reading of the Criminal Procedure (Amendment) Bill, the long title of which is a Bill for an Act to amend the Criminal Procedure Code (2021 Revision) to regulate the procedure when persons are found not guilty by reason of insanity or are unfit to plead; and for incidental and connected purposes.

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

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

Mr. Speaker, I think I [would] just like to adlib what is happening here. This is an issue that just about every Member of this House is aware of, or has some knowledge about. From time to time we have persons in our criminal justice system who are found to be unfit to plead and as a result of that, usually at some stage after some clinical intervention, prognosis and examination, the court would return what is called a "special

verdict", saying that they are not guilty by virtue of insanity. We have a number of them.

The question then becomes, "What happens to those persons?" The court usually makes an order that the person should be conveyed to an institution, usually, believe it or not, the hospital, to be detained until they are discharged by order of the Governor. Mr. Speaker, at times, some of these persons are persons who have committed violent acts, and so it goes without saying that the hospital would not be a suitable place to house those people—but there is no other institution to house them. Therefore, the hospital staff will be screaming and complaining that they should be removed from there. In one recent case, one of the persons escaped. It was all over the news media that the gentleman had escaped.

The law also says that a person can only be discharged by the Governor, but Mr. Speaker, the way sections 158 and 159 of the Penal Code are crafted, even if the Governor is minded to release or discharge a person, the Governor cannot make conditions for the discharge. She cannot say, well, I'm going to discharge this person on the condition that he must have follow-up treatment, he must be housed somewhere, or he must be conveyed to a foreign country for treatment. The law does not allow the Governor to impose any of those conditions. It is an absolute discharge—detention or discharge. That's it, either/or.

There is one case that is currently on, Mr. Speaker, where the person is not from this jurisdiction. I think he came in as a dependent because his mother lives here, but he got involved in a very violent encounter and it turned out that he's mentally unstable. The court made an order that he be conveyed to the hospital to be detained there. This is a gentleman who went at a lady with a knife and committed a heinous act. There's no doubt that he is mentally unstable. The only option the court has is to send him to the hospital to be detained until discharged by the Governor, because that's what the legislation says.

However, the family is happy for him to be conveyed back to Jamaica to be treated by Dr. Abel, for example, but the court doesn't have the power to make that order to say that he must be taken to Jamaica. The only person who can do that is the Governor, who'd have to discharge him; but the Governor cannot discharge him and say, "*I'm discharging you on the basis that you will travel to Jamaica and be seen by Dr. Abel,*" because as the legislation is currently crafted, it does not allow the Governor to impose those conditions, [just] a discharge without any condition.

The main purpose of this amendment [Bill], first of all, is to remove the Governor as the person who will make the order as to whether or not the person can be discharged. The reason for that, if I might add Mr. Speaker, is that in a number of cases arising in our court, [for example] Phillip Glennon Ebanks, and Mr. Hydes [*inaudible*], where they were detained at the

Governor's pleasure or Her Majesty's pleasure was because of their age. Phillip Glennon is the one who was convicted for murdering Miss Che-Che, I think her name is?

[*Inaudible interjection*]

The Attorney General, Hon. Samuel W. Bulgin: Right. He was a juvenile at the time, ordered to be detained at the Governor's pleasure or Her Majesty's pleasure.

The court ruled that because it was a judicial process and given the separation of powers doctrine, it was unconstitutional for the Governor to essentially be the one who is determining the length of sentence for someone who is in the judicial system—that should be the court. It went all the way to the Court of Appeal. The court agreed.

That was also consistent with a case from Jamaica named Mollison that went to the Privy Council, and the Privy Council made the same pronouncement: it is not an executive function, it's a judicial function. One of the benefits of that is that if he is detained at the pleasure of the court, the court has the power, from time to time, to make an order that he be brought back for ongoing review to determine whether at some stage he can be released; or if he's released and he's transgressed, the court can require that he be brought back to court and be sentenced or some other conditions be imposed. That, the Executive is not able to do, and so on.

There is a provision in the Bill which will remove the role of the Governor and vest that power in the court to make the order for discharge and so on. Whereas Mr. Speaker, the case now is there are at least two persons who are being detained at the Governor's pleasure (in the sense that the Governor is the one who has the power to discharge them). There's a transitional provision in the Bill which will allow the Governor, if amended, to be able to impose conditions of release. [Let's say] the person I'm speaking to is from Jamaica, if this law is passed, the Governor will be able to make an order, for example, that that person be conveyed back to Jamaica with the condition that he be escorted by a relative, be taken to a mental institution in Jamaica and to be committed to the care of Dr. Abel or someone of that profession. There's a transitional provision in the Bill which will allow for that to happen.

Mr. Speaker, there is one other observation I need to make in respect of this unfortunate situation. We recently unveiled the Poinciana facility, very beautiful, very timely and to be welcomed. However, there is no provision, there's no facility there to house persons of this ilk that I'm speaking about and in instance—Sir?

The Speaker: No, I was just observing—which I shouldn't—it was never designed to be a secure facility.

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker that is correct.

The current thinking—and I say the current thinking because it needs to be revisited—is that there is no facility. Therefore, these persons, who are our people, need to be right here to have the necessary care and support and ought to be able to be taken care of. It is not too late and the Cabinet, quite properly, has recently asked that a re-look be taken at the facility to see whether a portion of it—we're not talking about 10, 15, or 20 people, we're talking about maximum 2 or 3 at any time—can be fenced off properly with the necessary restraint, necessary fencing security, with its own dedicated entrance and staff to house 2 or 3 of these individuals, Mr. Speaker, rather than having to have to send them abroad or have them locked up somewhere.

There was one sad case, and I don't mind calling his name... Well, the gentleman was lost at Northward for about 11 years because the court found him unfit to plead. There is no reason, Mr. Speaker, why—and I really want to commend Cabinet—given the layout of what we have there now, a dedicated wing cannot be put aside for the purpose of housing these persons who were found unfit to plead because of insanity. It would be very helpful and very convenient in terms of logistics. They would be on island, they will have the benefit of the various support services and they can be conveyed to doctors or if they need to be visited there, but care can be taken to ensure that there is no comingling with those who are there otherwise and who need to be protected and taken care of. The necessary restraint, the necessary construction can be done to have that as a dedicated section of the Poinciana Centre.

Cabinet has given those instructions and so there is a going to be a working group within the various Ministries that will be looking at that reconfiguration. Hopefully, it will become a reality sooner rather than later, Mr. Speaker, so that when the court makes an order in respect of these persons, they can properly make an order that they be conveyed to this particular part of the institution to be taken care of clinically and otherwise.

Mr. Speaker, the Bill, clause 1 provides for the short title as usual.

Clause 2 amends section 48 which deals with the persons who are found unfit to plead by the court, Mr. Speaker.

Clause 3 repeals and replaces section 158 of the Act to streamline some of the language there. Sorry, may I just crave your indulgence? The new clause would provide that where in an indictment, for example, an Act or omission is charged against a person as an offence; and it is given in evidence at the person's trial for that offence that the person was insane so as not to be responsible, according to law, for that person's actions, then, if it appears to a jury before whom that person is tried that that person did the act or made the omission charged but was insane by reason

of insanity, clearly that special verdict would be returned against that person and the verdict will read not guilty by reason of insanity.

Clause 4 repeals and replaces section 159 to provide for the powers of the court to deal with the persons found not guilty by reason of insanity or who is unfit to plead. This will replace the power of the Governor in such cases. The court will be empowered in such case to issue several types of orders, which are things that the Governor cannot do, which are supervision orders, treatment orders, an order under the Alternative Sentencing Act, an order of conditional discharge of the person; or an order of absolute discharge—which is the only thing that the Governor can do now. Mr. Speaker, the proposed new Section provides, among other things, that before making an order the court must be satisfied on the evidence of one or more mental health professionals, at least one of whom must be a psychiatrist or a psychologist that the defendant is mentally disordered and requires confinement and treatment or only treatment for such a disorder.

It further provides, Mr. Speaker, that where the court makes an order the court shall order the person to be kept at a hospital, prison, place of safety or other place appointed by any law for the reception or custody of insane persons until discharged by order of the court—as it is now, it is discharged by order of the Governor, Mr. Speaker. The court shall consult with the Chief Medical Officer and mental health professionals and social workers assigned to the person with regard to any order to discharge the person.

Clause 4 [also] inserts a new 159A and 159B, which deals respectively with the interpretation of certain terms in Part VII.

Clause 5, Mr. Speaker, which I spoke to earlier, provides transitional provisions. The clause provides that where, at the date of the commencement of the amending legislation, a person is in custody pursuant to section 159 of the principal Act, the Governor, prior to making an order for discharge of that person, shall consult, in relation to the discharge, with the Chief Medical Officer and the mental health professionals and social workers assigned to the person, and may impose such conditions upon the discharge of the person which the Governor determines are necessary—as it is now, Mr. Speaker, the Governor cannot do that, so the Amendment would allow for her to do so.

A condition of discharge under this clause may include—

- (a) supervision by mental health professionals and social workers for a specified period, which period may be varied from time to time by the Governor; or
- (b) a course of treatment under the Mental Health Act (2023 Revision) as an outpatient of a specified hospital for a specified period which period may be varied from time to time by the Governor.

This Amendment would allow the Governor to make some order in respect of at least two persons who are currently in the system and who are suffering from mental instability but are not suitable for the hospital, Mr. Speaker. Clearly, you don't want to mix persons who [display] this kind of violent behaviour with vulnerable people who are housed at the hospital. The danger is just obvious.

These are much-needed amendments and I would wish to commend the Bill to honourable Members of this House.

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

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make very, very brief, comments on the Criminal Procedure (Amendment) Bill, 2025 and I would like to thank the Honourable Attorney General for his very comprehensive explanation which really left nothing to be said. Those of us who attended the Grand Court opening would have heard and received the message clearly, that whilst the opening of the Poinciana Mental Health Facility was a step in the right direction, it still did not provide the necessary and suitable facilities for those that the courts often have to deal with.

As you said, Mr. Speaker, it was never designed for that. Nevertheless, I'm glad to hear that there is a working group already in place; hopefully, we will not have to wait another seven or eight years before we can see a facility developed which is fit for purpose for managing and housing those with mental health issues that have a violent aspect.

At least with these amendments, Mr. Speaker, we now have options in particular for those who may not be Caymanian, but even for our Caymanian patients in the interim. It is a shame, that we've just had our Caymanian patients come home in the last few weeks from facilities overseas to the Poinciana, and we may have to send some overseas again; but at least, these amendments give us options, Mr. Speaker.

As the Honourable Attorney General rightfully pointed out, if you've ever visited the hospital and the mental health facility there, it is not the right place. The exposure is great.

We have persons going there for outpatient services, for pain management services— when dealing with pain management, they have to have some mental health support, you know. Again, those who are struggling with addiction to prescription medications because of pain. These are all persons who have to visit there. Normal, everyday persons who have to visit that hospital unit for outpatient treatment, and we certainly would like to move away from the exposure, the risk there, of housing mental health patients who need that secure location where they can't interact with persons seeking everyday outpatient services.

Hence, we are happy, Mr. Speaker, and the Opposition fully supports these amendments.

Thank you.

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

The Honourable Minister of Labour, Border Control and myriad other subjects.

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

I briefly want to thank the Honourable Attorney General for his presentation and add that we did invite Dr. Abel here, just last week, I think it was, and took him to the mental health facility, and I do agree that we need to rethink the intention of the Poinciana facility. Right now, as we can report, I do believe only two pods are being used out of nine, so I dare say there are seven that are not inhabited.

The conversation that we had, while we had lunch at the Poinciana with Dr. Abel, twenty others from the industry, and board members, is that we need to think about repurpose for this facility and trying to, as the Honourable Attorney General suggested, cordon off an area— and this can be done, there's ample space. We just need to find a way to get it done, but I think the Council's remit may have to change, because there was never a mental health facility, et cetera, when they were appointed, so there are many considerations that need to be looked at.

Also, annually we see young persons in the Cayman Islands who are stressed to the point of trying to and— I am sorry to say, take their own lives. It's a lot of stress, and it is that kind of service that is needed. Short term services for people to get some needed help, so I do agree. The whole conversation with the Director and the Chief Officer has already been that we need to have that conversation about repurpose. I think six persons can hold in each pod, so I think a total of 54 persons can actually be housed there. There is ample space. Now that we look at that facility, it can be repurposed.

I want to thank the Honourable Attorney General for bringing forward the Criminal Procedure (Amendment) Bill.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] If not, I'll invite the Honourable Attorney General to exercise his right of reply.

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

Mr. Speaker. I want to thank the Honourable Leader of the Opposition and the Honourable Minister, as well as all honourable Members for their support.

As I said, this is a set of amendments that will bring much-needed clarity to this issue and, Mr. Speaker, most importantly, as I said, if the repurposing, the reconfiguration is done, it would allow for persons to have the benefit of the necessary support services around them, whilst they are housed right here on Island, Mr. Speaker, so I am looking forward to all of that.

I want to thank the Legislative Drafting Department, some of whom are here, for their assistance with this Bill, as well as staff from the Ministry of Home Affairs; the Office of the DPP, the Judicial Department and other agencies who have all contributed to us getting these much-needed amendments in place, Mr. Speaker. I am eternally grateful, and hopefully at the next Grand Court opening, we will be able to say that the issue is in the process of being resolved or has been resolved.

I thank you, Mr. Speaker.

The Speaker: The question is that a Bill shortly entitled Criminal Procedure (Amendment) Bill, 2025 be read a second time. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Criminal Procedure (Amendment) Bill, 2025 has been given a second reading.

The Speaker: I'll invite the Honourable Premier to move the adjournment.

ADJOURNMENT

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker. I am delighted to move the adjournment of this honourable Parliament until 10 a.m. tomorrow morning.

The Speaker: The question is that this House do now adjourn until 10 a.m. tomorrow, 6th February. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House is adjourned until 10 a.m. tomorrow morning.

At 9:43 pm the House stood adjourned until 10 am, Thursday, 6th February, 2024.