



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
OFFICIAL HANSARD REPORT

Thursday
23 March, 2017
(Pages 1-52)

Third Meeting of the 2016/2017 Session
Thirteenth Sitting

Hon. Anthony S. Eden, OBE, JP, MLA,
Deputy Speaker

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PRESENT WERE:

Deputy Speaker
Hon Anthony S. Eden, OBE, JP, MLA
Deputy Speaker of the Legislative Assembly

MINISTERS OF THE CABINET

Hon. Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Home Affairs, Health and Culture
Hon. Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon. D Kurt Tibbetts, OBE, JP, MLA	Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Hon. Marco S Archer, MLA	Minister of Finance and Economic Development
Hon Osbourne V Bodden, MLA	Minister of Community Affairs, Youth and Sports
Hon G Wayne Panton, MLA	Financial Services, Commerce and Environment
Hon Tara A Rivers, MLA	Minister of Education, Employment and Gender Affairs

EX OFFICIO MEMBERS OF THE CABINET

Hon Franz I Manderson Cert. Hon., JP	Deputy Governor, ex officio Member responsible for the Portfolio of the Civil Service
Hon Samuel Bulgin, QC, JP	Attorney General, Temporary ex officio Member responsible for the Portfolio of Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Mr. Roy McTaggart, MLA	Second Elected Member for George Town
Mr. Joseph X Hew, MLA	Sixth Elected Member for George Town

OPPOSITION MEMBERS

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

INDEPENDENT MEMBERS

Mr. Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town
Mr. Winston C Connolly, Jr, MLA	Fifth Elected Member for George Town
Mr. D Ezzard Miller, MLA	Elected Member for North Side
Mr. V Arden McLean, JP, MLA	Elected Member for East End

OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2016/2017 SESSION
THURSDAY
23 MARCH, 2017
10:50AM
Thirteenth Sitting

[Hon. Anthony S. Eden, Deputy Speaker presiding]

[Inaudible interjections]

The Deputy Speaker: Morning, I call on the sixth Elected Member for George Town to say prayers.

Deputy Speaker: Madam Clerk.

PRAYERS

Mr. Joseph X. Hew, Sixth Elected Member for George Town: Good morning.

Let us pray.

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

Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and 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 amongst us. Especially, we pray for the Governor of our Islands, the Premier, the Speaker of the Legislative Assembly, The Leader of the Opposition, and Ministers of Cabinet and Members, Ex Officio Members, and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

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

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

Amen.

Deputy Speaker: Please be seated.

[Pause]

Deputy Speaker: Proceedings are resumed.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

Deputy Speaker: None.

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

Deputy Speaker: None.

PRESENTATION OF PETITIONS

Deputy Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

Deputy Speaker: None.

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

Deputy Speaker: None.

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

Deputy Speaker: None.

PERSONAL EXPLANATIONS

Deputy Speaker: None.

**OBITUARY AND OTHER
CEREMONIAL SPEECHES**

Deputy Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

Deputy Speaker: None.

OTHER BUSINESS

Suspension of Standing Order 14(3) (Government business takes precedence over Private Members' Motions)

Deputy Speaker: I call on the Honourable Premier for the suspension of Standing Order 14(3).

Hon. Alden McLaughlin, Premier, Minister of Home Affairs, Health & Culture: Thank you, Mr. Speaker.

Mr. Speaker, in order to facilitate the completion of the work of the Committee on Bills, I move the suspension of Standing Order 14(3), so that the business of the day may be arranged for Government business to take priority over Private Members' business.

Deputy Speaker: The question is that the Order Paper be rearranged so that Government business takes precedence over Private Members' Motions. Those in favour, please say Aye. Those against, No.

AYES AND NOES.

Deputy Speaker: The Ayes have it.

Agreed: Standing Order 14(3) suspended.

[Inaudible interjections]

Deputy Speaker: The House will now go into Committee to consider the Bills.

[Inaudible interjections]

House in Committee at 10:54am

COMMITTEE ON BILLS

Deputy Chairman: The House is now in Committee.

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

WATER AUTHORITY (AMENDMENT) BILL, 2017

The Clerk:

Clause 1 Short title and commencement

[Pause]

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Amendment of section 2 - definitions and interpretation

Deputy Chairman: There is an amendment, Honourable Minister?

AMENDMENT TO CLAUSE 2

Hon. D. Kurt Tibbetts, Minister of Planning, Lands, Agriculture, Housing, & Infrastructure: Yes sir, Mr. Chair.

Mr. Chair, in accordance with the provisions of Standing Order 52(1) and (2) I wish to move the following amendments to the Water Authority (Amendment) Bill, 2017 and—just to ensure that I have your permission, sir—I will just continue as I go along rather than saying “the Standing Order” et cetera, because I have said it already.

Deputy Chairman: Please do, to expedite.

Hon. D. Kurt Tibbetts: Thank you.

Mr. Chair, the first amendment that I wish to move is:

That the Bill be amended as follows-

- a) in clause 2 –
 - (i) in paragraph (a) by inserting after the definition of the words “potable water” the following definition –

““process water” means water used in an industrial process, such as water used for rinsing, cooling, chemical reactions, and gas scrubbing, and which may require specific treatment to produce the quality of water needed for the process but does not include water that would be used in the actual product manufactured;”;
 - (ii) in paragraph (a) by inserting after the definition of the words “wastewater” the following definition –

““wastewater system” means all works related to the collection, conveyance, treatment, and disposal of wastewater;”;

(iii) by inserting after paragraph (a) the following paragraph –

“(aa) in the definition of the words “capital investment plan” by deleting the word “concessionaire” and substituting the words “service provider” and by deleting the word “Authority” and substituting the word “Office”; and

(iv) by deleting paragraphs (c), (d) and (e) and substituting the following paragraphs–

“(c) by deleting the definitions of the words “consumer”, “Governor” and “rate cap and adjustment mechanism;”;

(d) in the definition of the word “licence” by inserting after the word “water” the words “and includes a permit issued under this Law”;

(e) by deleting the definition of the word “wastewater” and substituting the following definition –

““wastewater” means any waste substance, liquid, or solid, associated with human habitation, or which contains or may be contaminated with human or animal excrete or offal, or trade effluent, or both, from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface run off or leachate that may be present;”;

(f) by deleting the definition of the words “water resources” and substituting the following definition – ““water resources” means canals, ground water, groundwater lenses, ponds, territorial waters, and underground water;”;

(g) by deleting the definition of the word “works” and substituting the following definition –

““works” includes wells, desalination plants, pumping installations, pipelines, reservoirs, tanks, ponds, valves, building, machinery, metering devices, and other apparatus constructed for or used in connection with the abstraction or storage of ground water, the conveyance of water or wastewater, the processing of water, the treatment of wastewater, the use of ground water for any purpose or the introduction of fluids directly into ground water

whether by means of a well or pipe or otherwise.”;

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

Mr. V. Arden McLean, First Elected Member for East End: Mr. Chairman.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: I am...

[Inaudible interjections]

Mr. V. Arden McLean: Mr. Chairman, I do not have some of these amendments, and I do not know which one the Minister was reading from.

Hon. D. Kurt Tibbetts: So sorry?

Mr. V. Arden McLean: Because we are currently on the water production and supply.

Deputy Chairman: No; Water Authority Amendment Bill, 2017.

Mr. V. Arden McLean: Oh, sorry. Water Authority. Oh, okay, yes. Mr. Chairman, I would...

Hon. D. Kurt Tibbetts: While the Member is reading let me just say this, Mr. Chair, for everybody's—

Deputy Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: For everybody's attention. These changes are common throughout several of these Bills—

Mr. V. Arden McLean: Yes.

Hon. D. Kurt Tibbetts: In the definition section, to bring all of them in line so that the definitions are the same standard.

Mr. V. Arden McLean: Hmm—

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Mr. Chairman, “in clause 2(1) in paragraph (a) by inserting after the definition of the words “potable water” the following definition – “processed water” means water used in an industrial process, such as water used for rinsing, cooling, chemical reactions, and gas scrubbing, and which may require specific treatment to produce the quality of water needed for the process but does not include water that will be used in the actual product manufacture.”

Now, can we get some explanation for that, because certainly, in my experience, water used in the product manufactured is water that needs to be monitored as well, but here we are saying but does not include that water. I would appreciate someone explaining in what direction we will go on it. Then I can—

Deputy Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: Mr. Chairman, I hope that I am along the same lines and on the same page as the Member for East End.

I think the purpose of this definition is to make it very clear that processed water is water used along with the manufactured product to do the various processes—meaning rinsing, cooling, chemical reactions, and gas scrubbing; but it does not have to be the same. If you read on, it says “and which may require specific treatment to produce the quality of water needed for the process” but does not include water that will be used in the actual product that is manufactured, so—

Mr. V. Arden McLean: That is where I am—

Hon. D. Kurt Tibbetts: The quality that is defined as processed water is water that is used for all the rest of the things that are indicated in the definition, but not the water that is actually used to manufacture the product.

Mr. V. Arden McLean: That product—

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Would be the water to be used in all those—

Hon. D. Kurt Tibbetts: No. Let us take it example by example.

If you want to do rinsing or cooling, you have a product that you, perhaps, dilute with processed water to make that process; but that product is a product on its own, probably bought by whoever is doing this thing and this is simply saying that processed water does not include the same quality of water used to manufacture the product. It is just differentiating.

Mr. V. Arden McLean: Mr. Chairman.

Deputy Chairman: Member for East End.

Hon. D. Kurt Tibbetts: I cannot do much better than that. The only thing I can do beyond that, because the technical people are not here yet, they are on the way because we were not sure exactly how quickly we were going to get into Committee. I certainly could get that explanation and I am sure that—with the Member's experience—once the technical people give the explanation, it would clarify the matter.

Mr. Arden McLean: If I may, this talk about chemical reactions and rinsing and cooling for cooling purposes.

Hon. D. Kurt Tibbetts: Gas scrubbing—

Mr. V. Arden McLean: Yeah, but I want to talk about cooling.

In many instances, that water which is produced needs to be oxygen-free because it is in a closed system. To produce it, you need to desalinate it and then aerate it—you put it through an aerator to remove all that oxygen from it to avoid corrosion. Now, getting that product, you are getting probably 20 per cent of the water you use to produce that one. The rest you discard and, in the case of it being salt water, its content is highly saline—the concentration of the salt. How do we process that? That is extremely important.

Not only that; if you have a steam generator and you are using, say, ground water, for the cooling medium in it, it increases the temperature of that water thus making it more volatile to damaging the environment. I am sure the Minister recalls when CUC [Caribbean Utilities Co Ltd.], for instance, had put in a steam generator and were using ground water and running it through it to cool and condense the steam.

Hon. D. Kurt Tibbetts: The runoff went into the Sound.

Mr. Arden McLean: Into the North Sound, and we were concerned the rise in temperature would damage the marine life in the North Sound—you remember that?

Hon. D. Kurt Tibbetts: Yeah, and create more algae.

Mr. V. Arden McLean: Correct. The concern was the increase in surrounding temperature and a study was done to see how far it went out—

Hon. D. Kurt Tibbetts: To find out whether it was allowable or not.

Mr. V. Arden McLean: —Dissipate, and come back to the ambient temperature. Those are the kind of waters they say we are not going to be monitoring. That is my interpretation of it.

Hon. D. Kurt Tibbetts: It says that we are not going to be monitoring it?

Mr. Arden McLean: Yeah, because it says processed water is not those that produce; used in the actual product manufactured.

Hon. D. Kurt Tibbetts: Mr. Chair I do not—

Mr. V. Arden McLean: I may be wrong, but I—

Hon. D. Kurt Tibbetts: I do not know how the Member could draw the conclusion that it would not be monitored. This is simply a definition.

Mr. V. Arden McLean: Okay.

Hon. D. Kurt Tibbetts: And the definition of processed water has nothing to do with what will be done or anything like that. It is just a clear definition as to what the term “processed water” includes. I will certainly talk to the technical team about the points that you bring out, to ensure that your concerns are met, but all I am saying is: it is difficult to deal with what you are talking about just by way of the definition section. That is all I am saying.

Mr. V. Arden McLean: Mr. Chairman I—

Deputy Chairman: Member for East End.

Mr. V. Arden McLean: I understand. My only concern is why is that exempted?

Hon. D. Kurt Tibbetts: I will find out. I take your point, and I will find out.

Mr. V. Arden McLean: Their interpretation of the water used in product manufactured may be a little different from mine, so I am only trying to find out—

Hon. D. Kurt Tibbetts: That is fine.

Mr. V. Arden McLean: In case we find someone—and we know, we are going to steam turbines soon now again.

Hon. D. Kurt Tibbetts: Yes; so I will determine that, and perhaps let you have a word to ensure that you are satisfied and determine whether there is anything else that we have to do that we have not done. I cannot do any better than that presently.

Mr. V. Arden McLean: Okay, well—

Hon. D. Kurt Tibbetts: I will follow it up.

Mr. Arden McLean: I raised the flag on it.

Hon. D. Kurt Tibbetts: And I will follow it up.

Mr. V. Arden McLean: All right.

Deputy Chairman: Does any other Member wish to speak?

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3 Amendment of heading of Part II -
Central Administration

Deputy Chairman: The question is that clause 3 stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 3 passed.

The Clerk:

Clause 4 Amendment of section 6 - duty of Au-
thority in regard to water supply and
sewerage

Deputy Chairman: Honourable Minister, I understand there is an amendment.

AMENDMENT TO CLAUSE 4

Hon. D. Kurt Tibbetts: Mr. Chair, I move in clause 4(a) to insert before the word “investment” the word “capital”.

Deputy Chairman: Does the Member wish to speak thereto?

Hon. D. Kurt Tibbetts: No, Mr. Chairman; I think it is self-explanatory.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 4 passed.

Deputy Chairman: The question is that clause 4, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 4, as amended, passed.

The Clerk:

Clause 5 Amendment of section 7 - powers of Authority in regard to water supply and sewerage

Deputy Chairman: Honourable Minister, there is an amendment?

AMENDMENT TO CLAUSE 5

Hon. D. Kurt Tibbetts: Mr. Chairman, thank you.

I would humbly wish to delete clause 5(c) and (d) and substitute the following paragraphs-

“(c) by repealing subsections (5), (6), (9), and (10); and

(d) by repealing subsection (7), and substituting the following subsection -

“(7) The Authority shall-

(a) establish minimum safety standards for the production and supply of water and for wastewater systems and provisions for compliance with these standards shall be included as licence obligations in licences or administrative determinations issued by the Office under the Water Sector Regulation Law or any other Law in force in relation to water or wastewater;

(b) establish minimum environmental standards for the protection of the environment generally, including standards for the limitation of discharge into the atmosphere, water or land and provisions for compliance with these standards shall be included as licence obligations in licences or administrative determinations issued by the Office under the Water Sector Regulation Law or any other Law in force in relation to water or wastewater; and

(c) establish the relevant technical requirements to be included in the terms and conditions of any licences or administrative determinations issued by the Office under the Water Sector Regulation Law or any other Law in force in relation to water or wastewater.”;

Mr. Chair, perhaps the proposed Committee stage amendment I just read might be in line with some of the thoughts expressed earlier by the Member for East End.

Deputy Chairman: Member for East End.

Mr. V. Arden McLean: Thank you, Mr. Chairman.

Mr. Chairman, it covers some of it and I will concede that; but the concern I have about this one is why do we have to make the tail wag the dog? The Office has jurisdiction now that we have created it as a regulatory body. This is not even a consultation. It is the Water Authority remaining the regulator.

Hon. D. Kurt Tibbetts: Mm-hmm.

Mr. V. Arden McLean: Mr. Chairman, the Minister said mm-mm but 7 says “The Authority *shall* establish minimum standards for the production and supply of water and for wastewater systems and provisions for compliance with these standards shall be included as licence obligations in licences or administrative determination issued by the Office under the Water Sector Regulation Law, or any other Law in force in relation to water or wastewater.”

That tells me that the Water Authority will determine the standards—and with all due respect to my good friend, Mr. Chairman, I do not think we should be using two offices, i.e. one that is being regulated by a regulator to set minimum standards.

Hon. D. Kurt Tibbetts: Mr. Chairman, the Office –

Deputy Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: Through you, sir, to the Member for East End. The Utility Regulation and Competition Office—OfReg, URCO, whichever we choose to call it—will be responsible for the economic regulation of the water sector. As these Committee stage amendments speak to, they will issue the licences.

The Water Authority simply retains not just its authority, but its obligation to create the standards under which these licences operate—it is not regulating; and I hear what the Member is saying, but we have discussed this at length and, in our view, they are clearly two separate responsibilities.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Mr. Chairman, I do not want to be disruptive or argumentative with my good friend, but if at the time we drew up the licence for CUC, we had left CUC to their own devices to set the standards, then what would be the use of a regulator?

Hon. D. Kurt Tibbetts: To set the standards for what?

Mr. V. Arden McLean: For the generation of electricity and the distribution thereof. If we had left them to their own devices, what would be the purpose of a regulator? They would be telling the regulator how they were doing it, and the regulator would accept it and that would be the end of it—because that is what it is saying here.

Hon. D. Kurt Tibbetts: That is not what this is saying, sir; that is your interpretation and, again, I do not mean—

Deputy Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: —For us to hook into anything either, Mr. Chairman. I hear the Member's point, but clearly his views differ from our view where we see the responsibility of the Office as the economic regulator which is what the whole purpose was from the beginning. The Authority simply speaks to standards. He uses a comparison of Caribbean Utilities. In my view, we are not speaking the same language in that, although, obviously, he sees it like that.

Perhaps to avoid the stalemate, again, as soon as the technical team arrives, I am quite happy to have the discussion with the Member to make sure. The Member knows that if there is a valid point, and any change, we are happy to do so, but I would much rather have the technical people with me and not be swayed one way or the other knowing full well we have had long discussions on it. I will depend on their knowledge to have the discussion with the Member, but I am certainly quite happy to do that.

Hon. W. McKeever Bush, Leader of Opposition: Mr. Chairman, I may miss some of this but—

Deputy Chairman: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Thank you, Mr. Chair.

The point that I am having concerns with is who is going to regulate the Water Authority?

Hon. D. Kurt Tibbetts: The office.

Hon. W. McKeever Bush, Leader of the Opposition: The office will?

Hon. D. Kurt Tibbetts: Yeah. That is URCO. From the water sector side, it is the whole purpose of the exercise and—well, let me not try to make the comparison between what you and the Member for East End are saying. You go ahead.

Hon. W. McKeever Bush, Leader of the Opposition: That was the question.

Hon. D. Kurt Tibbetts: Mr. Chair, I am quite happy—

Deputy Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: Mr. Chair I do not want to find myself not being able to sensibly carry the discussion any further with the Member for East End because I understand what his thoughts are expressing, but if the Member does not mind, I would prefer to have the conversation along with my technical team to make sure that the understanding is clear one way or the other.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Thank you, Mr. Chairman.

Mr. Chairman, I do not want to get myself in it as well to that extent, but let me say how fair can it be that there are other companies who are in this business of water production, wastewater, or whatever the case may be, supplying water and the Water Authority, being a Government entity, is also in it and they are making the rules that the regulator will use for or against the other companies. That is where I am coming from. It seems rather reversed to me, and this thing about the regulator only being responsible for the economic side of it and monitoring whether there is equality and anti-competition and the likes.

The responsibility of a Utilities Commission is to manage it all and set standards throughout the entire industry; now, if that is the way the Government is going, that is fine. I do not think it is the way we should go but, you know, we recently amended that to include the different disciplines and if they are not going to be the technical standard setters for these industries—for the utility industries like gas and the likes—then we are going to make the others regulate it by virtue of writing the standards for regulation. If such is what the Government is doing, then, fine, I will have to accept that.

Hon. D. Kurt Tibbetts: Mr. Chairman, that is not what the Government is doing, sir.

Deputy Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: I really would not wish for the Member for East End to either draw conclusions or make assumptions that really are not the case regardless of how he sees it. I really would prefer to discuss the matter along with the technical team, who as I said, are on their way.

The fact is, Mr. Chair, just so that everyone will understand, there are a few other Committee stage amendments which I am going to have to recommit which I have not had the benefit of looking at yet; so, rather than us drawing any conclusions, I prefer to have an opportunity to look at the Committee stage amendments—

Hon. W. McKeever Bush, Leader of the Opposition: On this Bill?

Hon. D. Kurt Tibbetts: Yes, that I just received from some of those very last-minute stakeholder consultations. Okay?

Hon. W. McKeever Bush, Leader of Opposition: Mm-hmm.

Hon. D. Kurt Tibbetts: I do not want to jumble the whole situation because I had not had a chance to look at these last ones yet. If Members—and the Member for East End, because I understand where the Member is coming from—allow all that is being done to be done, and then shape it based on everything put together, is what I am asking.

Deputy Chairman: Honourable Minister, in light of what you said, we will still take the vote on this and when you come back for re-commitment—

Hon. D. Kurt Tibbetts: You will what, sorry?

Deputy Chairman: Will take the vote on it and—

Hon. D. Kurt Tibbetts: On this, and if you do not mind—

Deputy Chairman: When you come back you can re-commit—

Hon. D. Kurt Tibbetts: Yeah, but what I am saying is, allow me to do the rest of the amendments, sir.

Deputy Chairman: Yes, yes. This is just a pause—

Hon. D. Kurt Tibbetts: That is the course I would like to follow if I could, please. Thank you.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 5 passed.

Deputy Chairman: The question is that clause 5, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 5, as amended, passed.

The Clerk:

Clause 6 Insertion of section 65A - order for payment of compensation

Deputy Chairman: The question is that the clause 6 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 6 passed.

The Clerk:

Clause 7 Amendment of section 70 - power to make regulations

Deputy Chairman: Honourable Minister, an amendment.

AMENDMENT TO CLAUSE 7

[Inaudible interjections]

Hon. D. Kurt Tibbetts: Mr. Chair, I am sorry. I think when we get back, there is a bit of clearing up that everybody will appreciate; so, clause 7, Mr. Chair?

Deputy Chairman: Yes, Mr. Minister.

Hon. D. Kurt Tibbetts: Thank you.

In clause 7, we would like to delete paragraph (b) and substitute the following paragraphs—

“(b) by repealing paragraph (j) and substituting the following paragraph —

“(j) prescribing charges and fees, or the criteria for calculating charges and fees, to be paid by service providers to the Authority in respect of the various statutory functions exercised by the Authority under this Law;” and

(c) by repealing paragraphs (k), (l), (m), and (n).”;

Deputy Chairman: Does any Member wish to speak?

Mr. V. Arden McLean: Mr. Chairman—

Deputy Chairman: Member for East End.

Mr. V. Arden McLean: Mr. Chairman, we are right back at it. We are allowing them to set the fees and, in my view, it is the exact same thing. We are allowing the Water Authority to continue to have control, because 70—the Governor, after consultation with the Authority, may make regulations. Is that not the one we are doing? The power to make regulations; and we are removing (j), (k), (l), (m), and (n).

- (j) prescribing charges for water supplied via the public water supply system and prescribing charges for retaining the connection of premises to the public water supply system;
- (k) prescribing charges for the collection, treatment, and disposal of sewage via the public system.
- (l) prescribing criteria for charging for the collection treatment and disposal of the sewage via a system other than the public system.
- (m) prescribing charges and fees for connecting to the public water supply system and the public sewerage system, and for the hire of water meters;
- (n) prescribing the registration, licensing and the revocation of licences, duties and qualification of plumbers licensed to carry out work, approved by the Authority.

We are replacing all those with: “prescribing charges and fees, or the criteria for calculating charges and fees, to be paid by service providers to the Authority in respect of the various statutory functions exercised by the Authority under this Law.” The Authority remains the regulator.

Deputy Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: I am just checking something here.

See, Mr. Chair, if the Member for East End wants to keep saying this with whatever the amendments are, I am going to have to respond in the same manner that I have before: As soon as the technical team arrives. I do not want to say things, but there is certainly a method to all that has been done, because I know there have been extensive discussions with stakeholders and otherwise—especially the Water Authority, and I think he is very familiar with all concerned.

If the Member would just allow the time... If the Member thinks it is more productive for me not to continue with this one, and move on to another one I am quite happy to do so, but what is going to be happening—

Hon. W. McKeever Bush, Leader of Opposition: Can I ask the Minister to do that?

Hon. D. Kurt Tibbetts: Sorry?

Deputy Chairman: Honourable Leader of the Opposition.

Hon. McKeever Bush, Leader of Opposition: Thank you, Mr. Chair. Can I ask you to do that?

Hon. D. Kurt Tibbetts: I do not have a problem.

Hon. W. McKeever Bush, Leader of Opposition: Until you talk to your technocrats.

Hon. D. Kurt Tibbetts: They are going to come here and I am happy to sit with everybody to talk to them about whatever the concerns are. I do not have any problems at all; or I can talk to them, get the explanation and come back in Committee and explain it, either one.

Mr. V. Arden McLean: Mr. Chairman.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Mr. Chairman, I recognise that the Government is saying we do not have time, it is true, but why do it and not get it right? It is up to whatever the Minister wishes—

Hon. W. McKeever Bush, Leader of Opposition: Mr. Chair.

Mr. V. Arden McLean: Whatever direction he would like to go in, I am easy with it. I brought it to the forefront based on my experience and knowledge in this thing and maybe that is wrong, based on what their objectives are.

[Inaudible interjections]

Hon. W. McKeever Bush, Leader of Opposition: Mr. Chair.

Deputy Chairman: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of Opposition: Mr. Chair, I asked the question earlier, after the discussion with the Member for East End. I was told by the Minister that the purpose of the Law is for the Water Authority to no longer have those kinds of controls and that is what I want to determine. If the Bill is supposed to do that, are the clauses being put in place?

Deputy Chairman: Honourable Minister, did you hear the first part of his question?

Hon. W. McKeeva Bush, Leader of the Opposition: No, no, I am saying that is the concern. After listening to both you and the Member for East End, my concern is the Bill is supposed to take away regulation and give it to the Authority [sic]. If it is being left to the Water Authority, then I am concerned about it.

Hon. D. Kurt Tibbetts: I understand exactly what you are saying, sir. The reason I am at a disadvantage, as I just explained, is there are some very recent amendments which I just got in my hands. I have not even had a chance to physically read them, so I am asking if I can finish what I am doing here. Either that, or go on to the next one very swiftly. While the business of the Committee is going on, while I am not doing any of the Bills, I can look at them and get a clear understanding to ensure that there is satisfaction with regards to the amendments that I am bringing.

Hon. W. McKeeva Bush, Leader of the Opposition: Mr. Chair, I am satisfied I with—

Deputy Chairman: Honourable Member.

Hon. W. McKeeva Bush, Leader of the Opposition: Whatever the Minister needs to do, so that he can explain it to us. I am satisfied whichever way he goes with it, because I do want to know where I am at before I give my vote to it.

Deputy Chairman: Honourable Minister, the situation is that you are the next—

[Inaudible interjections]

Hon. D. Kurt Tibbetts: Let me—

Deputy Chairman: Honourable Minister, the next item on the agenda is for you also.

Hon. D. Kurt Tibbetts: I know.

Deputy Chairman: Okay.

Hon. D. Kurt Tibbetts: That is why I am asking. Let me just move on to that.

Deputy Chairman: So, we will defer this?

Hon. D. Kurt Tibbetts: Please wait a second, Mr. Chair.

Mr. Chair, the set of amendments that I have here—

[Pause]

Hon. D. Kurt Tibbetts: It is probably best, because I do not know what these very last-minute amendments

are. Let me defer this. Let me stop right here now, because I do not want to commit something, get it approved, and then that same thing be changed again. If you do not mind, let me stop what I am doing with this one and move to the next one, appreciating where we have gotten to approval-wise—namely, we have completed up to clause 7.

Deputy Chairman: The question is that the remainder of the Water Authority (Amendment) Bill, 2017 be deferred.

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

AYES.

Deputy Chairman: The Ayes have it.
We will now move on to the next item.

Agreed: Remainder of Bill deferred.

[Inaudible interjections]

WATER (PRODUCTION AND SUPPLY) (AMENDMENT) BILL, 2017

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of section 2 of the Water (Production and Supply) Law, 2011, Law 2 of 2011 - interpretation

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 and 2 passed.

The Clerk:

Clause 3	Amendment of section 4 – Governor in Cabinet may grant concessions
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Deputy Chairman: Honourable Minister, amendment?

AMENDMENT TO CLAUSE 3

Hon. D. Kurt Tibbetts: Thank you, Mr. Chair.

Under Standing Order 52 (1) and (2), I wish to move the following Committee stage amendment to the Water Production and Supply Amendment Bill, 2017.

That the Bill be amended in clause 3(b), in the new subsection (2) proposed for insertion in section 4 of the principal Law, by deleting the words “which shall advise the Cabinet pursuant to such advisory powers

as may be conferred on” and substituting the following words –

“; and, upon being consulted by the Cabinet, the Authority and the Office shall advise the Cabinet pursuant to such advisory powers as may be conferred on the Authority and”.

Deputy Chairman: The amendment has been moved. Does anyone wish to speak thereto? The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

The Clerk:

Clause 4	Amendment of section 5 - application of certain other laws
Clause 5	Amendment of section 15 - offences and penalties
Clause 6	Amendment of miscellaneous sections - substitution of the word “Cabinet” for the words “Governor in Cabinet”

[Inaudible Interjection]

Deputy Chairman: The question is that clauses 4 through 6 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 4, 5 and 6 passed.

The Clerk: A Bill for a Law to amend the Water (Production and Supply) Law, 2011, as a consequence of the establishment of the Utility Regulation and Competition Office; to transfer the Water Authority's licensing responsibilities to the Utility Regulation and Competition Office; and for incidental and connected purposes.

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

[Inaudible interjections]

WASTEWATER COLLECTION AND TREATMENT (AMENDMENT) BILL, 2017

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of section 2 of the Wastewater Collection and Treatment Law, 2011, Law 3 of 2011 - interpretation

Hon. W. McKeever Bush, Leader of Opposition: Just a minute, please.

Deputy Chairman: Honourable Leader? The Wastewater Collection and Treatment (Amendment) Bill, 2017.

Hon. W. McKeever Bush, Leader of Opposition: Wastewater...

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 and 2 passed.

The Clerk:

Clause 3	Amendment of section 4 – Governor in Cabinet may grant concessions
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Deputy Chairman: Amendment, Honourable Minister.

[Inaudible Interjection]

Hon. D. Kurt Tibbetts: Is this not the same one I just read?

[Inaudible interjections]

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

Hon. D. Kurt Tibbetts: Is this not the same one I just read?

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

Hon. D. Kurt Tibbetts: That the Bill be amended in Clause 3(b) in the new section 2?

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: But one is water and the other is wastewater.

[Inaudible interjections]

Hon. D. Kurt Tibbetts: Mr. Chair, forgive me.

Deputy Chairman: Honourable Minister.

AMENDMENT TO CLAUSE 3

Hon. D. Kurt Tibbetts: This is correct. The amendments are the same to bring both Bills in line with each other.

That the Bill be amended in clause 3(b), in the new subsection (2) proposed for insertion in section 4 of the Principal Law, by deleting the words "which shall advise the Cabinet pursuant to all the powers for the time being in force in relation to advice relating to wastewater" and substituting the following words:

"; and, upon being consulted by Cabinet, the Authority and the Office shall advise the Cabinet pursuant to such advisory powers as may be conferred on the Authority and the Office by any Law".

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

The Clerk:

Clause 4

Amendment of section 5 - application of other licensing legislation

Clause 5

Amendment of miscellaneous sections - substitution of the word "Cabinet" for the words "Governor in Cabinet"

Deputy Chairman: The question is that clauses 4 and 5 stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 4 and 5 passed.

[Pause]

The Clerk: A Bill for a Law to amend the Wastewater Collection and Treatment Law, 2011, as a consequence of the establishment of the Utility Regulation and Competition Office; to transfer the Water Authority's licensing responsibilities to the Utility Regulation and Competition Office; and for incidental and connected purposes.

Deputy Chairman: The question is, that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

FUEL MARKET REGULATION BILL, 2017

The Clerk:

Clause 1

Short title and commencement

Clause 2

Interpretation

Clause 3

Functions of Cabinet

Clause 4

Directions by Cabinet

Clause 5

Functions of the Office under this Law

Clause 6

Registration of importers

Clause 7

Significant market power

Clause 8

Access to information

Clause 9

Fees under the Dangerous Substances Handling the Storage Law, 2003

Clause 10

Regulations and Rules

Deputy Chairman: The question is that clauses 1 through 10 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 10 passed.

The Clerk: A Bill for a Law to provide for the regulation of the fuel market in the Cayman Islands by the Utility Regulation and Competition Office; and for incidental and connected purposes.

Deputy Chairman: The question is that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

[Inaudible interjections]

PUBLIC AUTHORITIES BILL, 2016

The Clerk:

Clause 1 Short title and commencement

Deputy Chairman: Honourable Deputy Governor.

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

Mr. Speaker in accordance with the provisions of Standing Order 52(1) and (2) I move the following amendments and, with your permission, I would like to adopt the procedure used by the Minister for Works.

Deputy Chairman: So ordered.

AMENDMENT TO CLAUSE 1

The Deputy Governor, Hon. Franz I. Manderson: That the Bill be amended in clause 1 by deleting sub-clause (2) and submitting the following –

“(2) This Law shall come into force on such date as may be appointed by order made by the Cabinet, and different dates may be appointed for different provisions of this Law and in relation to different matters.”.

[Pause]

Deputy Chairman: The amendment has been moved. Does the Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES and NOES.

Deputy Chairman: The Ayes have it.

Hon. W. McKeever Bush, Leader of the Opposition: Division, please.

[Inaudible interjections]

Hon. W. McKeever Bush, Leader of Opposition: He is going to get that on every Clause of this Bill. I am giving the Chair notice that I am not supporting this Bill whatsoever.

[Inaudible interjections]

Hon. D. Kurt Tibbetts: Mr. Chairman, forgive me, and you will take that vote, but I just want to make sure of something before we go past it and perhaps the Clerk could assist. When we are doing committee stage on Bills, the Schedule in a Bill, do we have to vote on the Schedule also, or not?

[Inaudible interjections]

Hon. D. Kurt Tibbetts: Did we vote on the Schedule for the Fuel Market Regulation Bill? That is why I am asking, because I do not recall. I just do not want us to get into any difficulties. We did up to section 10.

[Inaudible interjections]

Hon. D. Kurt Tibbetts: If you look in the Bill—I heard what you said, but the Bill itself has a Schedule in it.

[Inaudible interjections]

Hon. D. Kurt Tibbetts: I understand what has happened.

[Inaudible interjections]

Hon. D. Kurt Tibbetts: I am advised by learned colleagues that in this instance this is fine; and I was not suggesting anything. I just wanted to ensure we did not go on and not do something we should have done, so we are fine.

Deputy Chairman: The question is that the amendment stands part of the clause.

Sorry, division.

[Inaudible interjections]

The Clerk:

DIVISION No. 39 OF 2026-2017

AYES:

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. D. Kurt Tibbets
Hon. G. Wayne Panton
Hon. Marco S. Archer
Hon. Tara A. Rivers
Mr. Roy M. McTaggart
Mr. Joseph X. Hew

NOES:

Hon. W. McKeeva Bush
Capt. A. Eugene Ebanks
Mr. Alva H. Suckoo
Mr. Winston C. Connolly

Absentees: 4

Hon. Osbourne V. Bodden
Mr. Bernie A. Bush
Mr. D. Ezzard Miller
Mr. V. Arden McLean

Abstentions: 1

Hon Anthony S. Eden

[Inaudible interjections]

Deputy Chairman: The result of the vote is: 8 Ayes, 4 Noes, and 4 Absentees.

Agreed: Amendment to clause 1 passed.

Deputy Chairman: The question now is that clause 1, as amended, stand part of the Bill.

All those in favour—

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of Opposition: Mr. Chairman.

Deputy Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of Opposition: Just to help the Premier save some time I will not call for a division on all the clauses, but I am against every striking one. I just want to have that in the minutes and I will vote at the end. I will cast my vote to save some time.

Deputy Chairman: I am sure the—

The Premier, Hon. Alden McLaughlin: I am grateful, very grateful.

Deputy Chairman: The Premier is grateful.

[Inaudible interjections]

Deputy Chairman: The question is that clause 1, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 1, as amended, passed.

The Clerk:

Clause 2 Interpretation

Deputy Chairman: Honourable Deputy Governor.

AMENDMENT TO CLAUSE 2

The Deputy Governor Hon. Franz I. Manderson: Thank you, Mr. Chairman.

I move that the Bill is amended in clause 2 as follows -

(a) by deleting the definition of “civil servant” and substituting the following –

“civil servant” means a person employed by an entity other than a public authority and is a public officer as defined by the Constitution;” and

(b) by deleting the definition of “public servant” and substituting the following –

“public servant” means a person employed by a public authority and is a public officer as defined by the Constitution;”.

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

Hon. Franz I. Manderson, Deputy Governor: Mr. Chairman, just to say that these changes bring the Bill into compliance with the Constitution.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3 Interpreting inconsistencies with other laws

Deputy Chairman: Honourable Deputy Governor, proposed amendment.

AMENDMENT TO CLAUSE 3

The Deputy Governor Hon. Franz I. Manderson: Thank you sir.

That the Bill be amended by inserting the following clause after clause 3 -

“Purpose of Law

3A. (1) The purpose of this Law is to provide uniform regulation of the management and governance of public authorities.

(2) Nothing in this Law shall be construed as affecting the principal functions of any public authority and shall not affect the independent regulatory decision making process with regard to the issue or suspension of licenses, and any other regulatory decision.”.

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

The Deputy Governor Hon. Franz I. Manderson: Mr. Chairman just to say that this amendment was brought about after consultation with the Public Authorities, in particular, The Regulatory Authorities, and it is done to ensure the independence of their regulatory functions.

Deputy Chairman: Does any other Member wish to speak? If no other Member wish to speak, the question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

Deputy Chairman: The question is that the new clause 3A, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 3A, as amended, passed.

The Clerk:

Clause 4 Purpose of public authorities
Clause 5 Public authorities part of the public service
Clause 6 Principal objectives of public authorities
Clause 7 Requirement to have a board
Clause 8 Appointment of board members
Clause 9 Members of the Legislative Assembly and Judiciary not to be board members
Clause 10 Term of appointment
Clause 11 Appointment to fill board vacancy

Deputy Chairman: The question is that clauses 4 through 11 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 4 through 11 passed.

The Clerk:

Clause 12 Remuneration of board members

Deputy Chairman: There is a proposed amendment Honourable Deputy Governor?

AMENDMENT TO CLAUSE 12

The Deputy Governor Hon. Franz I. Manderson: Thank you Mr. Chair.

I propose that the Bill be amended in clause 12(3), by inserting after the word “published”, the words “by notice”.

Deputy Chairman: Does any Member wish to speak?

Mr. V. Arden McLean: Mr. Chairman.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Can I ask... we were supposed to withdraw, and I think this is one of them, and in short order we need to try and—

[Inaudible interjection]

Mr. V. Arden McLean: Yes, yes, we would... I was asked yesterday to withdraw the amendments that were proposed by Mr. Miller, and I do not know what

time you would entertain such a Motion, Mr. Chairman, because one in particular was on this same matter.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Chairman, I can say that—

Deputy Chairman: Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: — we have incorporated some of Mr. Miller's changes in this Amendment that we have right now so, he has asked to withdraw his amendments.

[Cross talk]

[Pause]

Deputy Chairman: The question is that the Amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: The Amendment passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 12, as amended, passed.

Deputy Chairman: Honourable Member for East End when we get to the clause 15 amendment I will take the vote for your withdrawal on behalf of the Member for North Side.

Mr. V. Arden McLean: Thank you, sir.

Deputy Chairman: Would you like to do that now honourable Member for East End?

**MOTION TO WITHDRAW ALL AMENDMENTS
PROPOSED TO THE PUBLIC AUTHORITIES BILL,
2016, BY THE ELECTED MEMBER FOR
NORTH SIDE**

Mr. V. Arden McLean: Certainly, Mr. Chairman.

Mr. Chairman, I have been asked by the Member for North Side, in accordance with the Standing Or-

ders, to move that his amendments which were proposed, starting with clause 15, be withdrawn in their entirety. I so move.

Deputy Chairman: The question is that the amendments as proposed by the honourable Member for North Side as deputised by the honourable Member for East End to withdraw the amendments from clause 15 on [be so withdrawn].

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: All amendments proposed by the elected Member for North Side, withdrawn.

The Clerk:

Clause 13 No board remuneration for civil servants

Clause 14 General responsibilities

Deputy Chairman: The question is that clauses 13 and 14 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 13 and 14 passed.

The Clerk:

Clause 15 Specific responsibilities

Deputy Chairman: Honourable Deputy Governor.

AMENDMENT TO CLAUSE 15

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chairman.

I move that the Bill be amended in clause 15 as follows-

(a) in deleting paragraph (g) and by substituting the following-

“(g) to ensure that the public authority communicates openly, proactively and transparently with chief officers, Ministers, Members of the Cabinet and other key stakeholders;”

Deputy Chairman: Amendment has been duly moved. Does the Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: Sorry, Mr. Chairman, just another two sections.

(b) by inserting after [paragraph] (g) the following paragraph-

“(ga) to ensure that all official communications between the public authority and chief officers, Ministers and members of the Cabinet are in writing;” and

(c) by deleting paragraph (p) and by substituting the following-

“(p) to comply with general and lawful written instructions of the Cabinet regarding the performance of its duties and functions”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, Mr. Chairman.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 15 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 15, as amended, passed.

The Clerk:

Clause 16 Meetings of the board

Deputy Chairman: Amendment.

The Honourable Deputy Governor.

AMENDMENT TO CLAUSE 16

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chairman.

I propose that clause 16(1)(c) be amended by inserting before the word “meeting” where it first appears the word “extraordinary”.

Deputy Chairman: Does the Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 16 passed.

Deputy Chairman: The question is that clause 16(c) [sic] as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 16, as amended, passed.

The Clerk:

Clause 17 Recording secretary

Deputy Chairman: The question is that clause 17 do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 17 passed.

The Clerk:

Clause 18 Board minutes

Deputy Chairman: Honourable Deputy Governor, proposed amendment.

AMENDMENT TO CLAUSE 18

The Deputy Governor, Hon. Franz I. Manderson: Yes, thank you, Mr. Chairman.

I propose that the Bill be amended in clause 18 as follows:

(a) in subclause (2), by inserting at the beginning of the subclause the words “Subject to subsections (4) and (5),”;

(b) by deleting subclause (3) and substituting the following-

“(3) The public authority shall provide the chief officer of the responsible Ministry or Portfolio with a copy of the minutes no later than five working days after the minutes of a meeting have been confirmed by the board.”.

(c) by inserting the following subclauses (4) and (5) –

“(4) Where minutes contain regulatory decisions those decisions shall be redacted prior to being provided under subsections (2) and (3).

(5) Minutes provided by the public authority under subsection (2) shall not contain the following information –

- (a) medical or other personal information;
- (b) commercially sensitive information; or
- (c) any other information which is exempt under the Freedom of Information Law (2015 Revision);

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

The Deputy Governor, Hon. Franz I. Manderson: Mr. Chairman, just to say that this clause, again, is as a result of the consultation with the Regulatory Authorities who were concerned that publishing their minutes which had commercially sensitive information would not be conducive to their operations and the Government agreed with that suggestion.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 18 passed.

Deputy Chairman: The question is that clause 18, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 18, as amended, passed.

The Clerk:

Clause 19	Authentication of documents
Clause 20	Disclosure of interests
Clause 21	Power to establish own procedures

Deputy Chairman: The question is that clauses 19 through 21 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 19 through 21 passed.

The Clerk:

Clause 22	No personal liability except for negligence or bad faith
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Deputy Chairman: Proposed amendment, Honourable Deputy Governor.

AMENDMENT TO CLAUSE 22

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chairman.

I propose that the Bill be amended by deleting clause 22 and substituting the following:

“22. (1) Subject to subsection (2), neither a board nor any board member shall be liable in damages for anything done or omitted in the discharge of their respective functions or duties unless it is shown that the act or omission was negligent or in bad faith.

(2) Notwithstanding subsection (1), where the function or duty exercised is a regulatory one, the provision relating to negligence shall not apply.”.

[Inaudible Interjection]

The Deputy Governor, Hon. Franz I. Manderson: Yes, Sir.

[Inaudible Interjection]

The Deputy Governor, Hon. Franz I. Manderson: Yes, sorry, that was number 2. Thank you.

Deputy Chairman: Does any Member wish to speak thereto? *[Pause]*

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 22 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 22, as amended, passed.

The Clerk:

Clause 23	Requirement for chief executive officer
Clause 24	Advertising for a chief executive officer
Clause 25	Interviewing for the selection of a chief executive officer
Clause 26	Appointment of a chief executive officer
Clause 27	Terms and conditions and remuneration of chief executive officer
Clause 28	Conflicts of interest of a chief executive officer

Deputy Chairman: The question is that clauses 23 through 28 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 23 through 28 passed.

The Clerk:

Clause 29	Discipline or dismissal of a chief executive officer
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Deputy Chairman: Proposed amendment, Honourable Deputy Governor.

AMENDMENT TO CLAUSE 29

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chairman.

That the Bill be amended in section [sic] 29(4) by inserting after the word "Authority" the words "after an assessment of the chief executive officer has been

made by a medical board convened by the Chief Medical Officer."

Thank you.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 29 passed.

Deputy Chairman: The question is that clause 29(4), as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 29, as amended, passed.

The Clerk:

Clause 30	Responsibilities of chief executive officer
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Deputy Chairman: Proposed amendment, Honourable Deputy Governor.

AMENDMENT TO CLAUSE 30

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chair.

That the Bill be amended in clause 30(3) by inserting after the words "acting chief" the word "executive".

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 30 passed.

Deputy Chairman: The question is that clause 30, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 30, as amended, passed.

The Clerk:

Clause 31 Power of chief executive officer to delegate

Clause 32 General application

Clause 33 Financial year

Clause 34 Budget documents

Deputy Chairman: The question is that clauses 31 to 34 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 31 to 34 passed.

The Clerk:

Clause 35 Capital charge

Deputy Chairman: Proposed amendment. Does the Honourable Member wish to speak thereto?

AMENDMENT TO CLAUSE 35

The Deputy Governor, Hon. Franz I. Manderson: Yes, Mr. Chair.

That the Bill be amended in clause 35(4) by inserting after the words "Minister of Finance" and before the words "shall set" the words ", after consultation with the board in writing,".

Deputy Chairman: The amendment has been moved. Does the Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

[Pause]

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 35 passed.

Deputy Chairman: The question is that clause 35, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 35, as amended, passed.

The Clerk:

Clause 36 Borrowing

Clause 37 Issuing of capital

Deputy Chairman: The question is that clauses 36 and 37 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 36 and 37 passed.

The Clerk:

Clause 38 Investing and reserves

[Pause]

Deputy Chairman: I call on the Honourable Deputy Governor for an amendment to clause 38.

AMENDMENT TO CLAUSE 38

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chair.

I propose that the Bill be amended in clause 38 as follows-

- (a) in subclause (2), by inserting after the word "Cabinet" the words "after consultation with the board in writing"; and
- (b) in subclause (3), by inserting after the words "Minister of Finance" and before the words "unless otherwise" the words ", after consultation with the board in writing,".

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

The Deputy Governor, Hon. Franz I. Manderson:
No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 38 passed.

Deputy Chairman: The question is that clause 38, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 38, as amended, passed.

[Pause]

The Clerk:

Clause 39 Compliance with generally accepted accounting practice

Deputy Chairman: The question is that clause 39 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 39 passed.

The Clerk:

Clause 40 Open and fair processes in personnel management decisions

Deputy Chairman: Honourable Deputy Governor, I understand there is an amendment.

[Pause]

AMENDMENT TO CLAUSE 40

The Deputy Governor, Hon. Franz I. Manderson:

Thank you, Mr. Chair.

That the Bill be amended in clause 40 as follows-

- a) by renumbering the clause as subclause (1) of clause 40; and

- b) that the following be inserted as subclause (2)-
“(2) All public authorities shall prepare an act pursuant to a human resource policy and procedural manual; and such manual shall be in compliance with this Law and approved by the board.”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson:

Mr. Chairman, just to say that this was one of the amendments put forward by the Member for North Side in relation to requiring all of the public authorities to have a Human Resource Policy and Procedural Manual.

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

The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 40 passed.

Deputy Chairman: The question is that clause 40, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 40, as amended, passed.

The Clerk:

Clause 41 Recruitment and appointment of staff of a public authority

Deputy Chairman: Honourable Deputy Governor, an amendment.

AMENDMENT TO CLAUSE 41

The Deputy Governor, Hon. Franz I. Manderson:

Thank you, Mr. Chair.

That the Bill be amended by deleting clause 41(1) and by substituting the following-

“41. (1) A public authority-

- a) shall operate an open and fair appointment process for all staff;
- b) shall notify a vacant position in such manner as enables suitably

qualified persons to apply for the position; and

- c) may, if necessary, publicly advertise in local or international media or both, a vacant position in such manner as would enable suitably qualified persons to apply for the vacant position.”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, Mr. Chair.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 41 passed.

Deputy Chairman: The question is that clause 41, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 41, as amended, passed.

The Clerk:

Clause 42	Conflicts of interest of senior staff
Clause 43	Good employer obligations
Clause 44	Public Service Values

Deputy Chairman: The question is that clauses 42 through 44 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 42 through 44 passed.

The Clerk:

Clause 45	Public Servant's Code of Conduct
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Deputy Chairman: Amendment, Honourable Deputy Governor.

AMENDMENT TO CLAUSE 45

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chair.

That the Bill be amended in clause 45(2) by inserting after the word “dismissed” the words “by the chief executive officer or by a member of staff of the public authority delegated to do so by the chief executive officer.”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, Mr. Chairman.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 45 passed.

Deputy Chairman: The question is that clause 45, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 45, as amended, passed.

The Clerk:

Clause 46	Terms and conditions and remuneration of staff
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Deputy Chairman: Honourable Deputy Governor, an amendment.

AMENDMENT TO CLAUSE 46

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

I propose that the Bill be amended in clause 46(6) by inserting after paragraph (b) the following paragraph-

- “(c) where the chief executive officer establishes to the satisfaction of the relevant board that the salary range for a post is not adequate to attract the best person for the post, the chairperson, after consultation with the relevant chief officer, may increase the salary in

- an individual case by taking into account market rates; and
- (d) where the board finds that the salary range for the post of chief executive officer is not adequate to attract the best person for the post of chief executive officer, the board, after consultation with the Minister and the chief officer, may increase the salary in an individual case by taking into account market rates.”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: Yes, Mr. Chairman.

Just to briefly say that during the consultation period, again, with the statutory authorities, they raised the concern that a single salary scale might not work and might give them difficulties recruiting highly specialised individuals, persons whose skills are in short supply globally. Thus, it was felt that after the necessary consultation, that they should have the ability to take on people whose salary was a bit outside or whose salary was required to be outside of the salary scale. Hence, we have put in place there, where they have to consult with the minister, the chief officer, and the board in order to get that done.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 46 passed.

Deputy Chairman: The question is that clause 46, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 46, as amended, passed.

The Clerk:

Clause 47 Salary increases

Deputy Chairman: The question is that clause 47 stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 47 passed.

The Clerk:

Clause 48 Role of the Cabinet

Deputy Chairman: Honourable Deputy Governor, I understand there is an amendment.

AMENDMENT TO CLAUSE 48

Hon. Franz Manderson, Deputy Governor: Thank you, Mr. Chairman.

That the Bill be amended in clause 48 by inserting after paragraph (d) the following paragraph-

“(e) to allow the Minister responsible for the public authority to directly issue strategic policy directions in writing to the chairperson of the board.”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, Mr. Chairman.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 48 passed.

Deputy Chairman: The question is that clause 48, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 48, as amended, passed.

The Clerk:

Clause 49 Duties of Cabinet
Clause 50 Duties of the Chief Officer
Clause 51 Ownership arrangements
Clause 52 Funding of outputs

Deputy Chairman: The question is that clauses 49 through 52 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 49 through 52 passed.

The Clerk:

Clause 53 Liability of employees

Deputy Chairman: Honourable Deputy Governor, I understand there is an amendment.

AMENDMENT TO CLAUSE 53

The Deputy Governor, Hon. Franz I. Manderson:
Thank you, Mr. Chairman.

That the Bill be amended by deleting clause 53 and substituting the following-

“53. (1) An employee of a public authority shall not be liable in damages for anything done or omitted in the discharge of that employee’s functions or duties unless it is shown that the act or omission was negligent or in bad faith.

(2) Notwithstanding subsection (1), where the function or duty exercised is a regulatory one, the provision relating to negligence shall not apply.”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson:
No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 53 passed.

Deputy Chairman: The question is that clause 53, as amended, stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 53, as amended, passed.

The Clerk:

Clause 54 Application of the Labour Law, Immigration Law, National Pensions Law and Health Insurance Law to public authorities

Deputy Chairman: The question is that clause 54 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 54 passed.

The Clerk:

Clause 55 Monitoring compliance of public authorities

Deputy Chairman: I understand that there is an amendment, Honourable Deputy Governor.

AMENDMENT TO CLAUSE 55

The Deputy Governor, Hon. Franz I. Manderson:
Thank you, Mr. Chairman.

That the Bill be amended in clause 55 by deleting subclause (4) and by substituting the following-

“(4) The Government’s Internal Audit Unit and Human Resources Audit Unit Service shall regularly monitor the compliance of a public authority with this Law and all Laws which relate to the public authority; and those Units shall carry out special investigations of public authorities in such circumstances and in accordance with such procedures as may be prescribed.”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson:
Yes, Mr. Chairman. Just to say that under the section as drafted, it was implying that investigations by our oversight bodies could not have been done unless they were directed to do so by the chief officer responsible, and we want to make it very clear that those oversight bodies could go ahead and carry out their duties without direction and they could do it on their own motion.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 55 passed.

Deputy Chairman: The question is that clause 55, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 55, as amended, passed.

The Clerk:

Clause 56 Whistleblowers

Clause 57 Transitional Provisions

Clause 58 Regulations

Deputy Chairman: The question is that clauses 56 through 58 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 56 through 58 passed.

The Clerk:

Clause 59 Inconsistency with other laws

Deputy Chairman: Honourable Deputy Governor, an amendment I understand.

AMENDMENT TO CLAUSE 59

The Deputy Governor, Hon. Franz I. Manderson: Yes, Mr. Chairman, we are asking for that clause to be deleted as it is already contained in the body of the Bill.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 59 passed.

Deputy Chairman: The question is that clause 59, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 59, as amended, passed.

The Clerk: A Bill for a Law to establish an overarching system of Governance, Accountability and Management for public authorities; and for incidental and connected purposes.

Deputy Chairman: The question is that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

[Pause]

POLICE (COMPLAINTS BY THE PUBLIC) BILL, 2016

The Clerk:

Clause 1 Short title and commencement

Deputy Chairman: The question is that clause 1 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Interpretation

Deputy Chairman: Honourable Deputy Governor, I understand there is an amendment.

AMENDMENT TO CLAUSE 2

The Deputy Governor, Hon. Franz I. Manderson: Yes, Mr. Chairman.

That the Bill be amended as follows –

In clause 2 by deleting the definition of the words “police officer” and substituting the following definition –

“ “police officer” means a member of the Service and includes-

- (a) any constable, recruit constable, probationary constable, auxiliary constable, community support officer and special constable;
- (b) any constable who has resigned from the Service or whose appointment in the Service has not been confirmed; and
- (c) any civil servant as defined in section 2(1) of the Public Service Management Law (2013 Revision) who is assisting the Service in a joint operation during the course of duty;";

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: Yes, Mr. Chairman. Just to say that during the consultation with the Police it was pointed out that this section did not include special constable and constable, and we want to make it very clear that it did apply.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3	Functions of Ombudsman
Clause 4	Complaints
Clause 5	Informal resolution or referral of complaints

Deputy Chairman: The question is that clauses 3, 4, and 5 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 3, 4 and 5 passed.

The Clerk:

Clause 6	Formal resolution of complaints
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Deputy Chairman: Honourable Deputy Governor, I understand that there is an amendment.

AMENDMENT TO CLAUSE 6

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chairman.

In clause 6 by deleting subclause (10) and substituting the following subclause-

"(10) The complainant and the police officer concerned shall each be entitled to be represented, by an attorney-at-law or otherwise, in the investigation."

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson:

Yes, Mr. Chairman. Just making it clear that both the complainant and the police officer are entitled to have legal representation if they so wish.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 6 passed.

Deputy Chairman: The question is that clause 6, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 6, as amended, passed.

The Clerk:

Clause 7	Final investigation report
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Deputy Chairman: Honourable Deputy Governor, I understand that there is an amendment.

AMENDMENT TO CLAUSE 7

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chair.

In clause 7(1)(c) by inserting after the word "Commissioner" the words "or the Commissioner's designate".

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: Yes, Mr. Chairman. Just to briefly say that this section is in relation to final investigative reports being submitted, and from time to time the Commissioner would want to designate someone else in his team to receive the report so this gives that flexibility.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 7 passed.

Deputy Chairman: The question is that clause 7, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 7, as amended, passed.

The Clerk:

Clause 8	Powers
Clause 9	Duty of police officer to preserve evidence
Clause 10	Withdrawal and suspension of complaints
Clause 11	Powers and duties of Ombudsman in relation to final investigation report
Clause 12	Appeal process
Clause 13	Privilege and secrecy
Clause 14	Offences and penalties
Clause 15	Reporting
Clause 16	Regulations
Clause 17	Amendment of the Police Law (2014 Revision) and savings provisions

Deputy Chairman: The question is that clauses 8 through 17 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 8 through 17 passed.

The Clerk: A Bill for a Law to confer upon the Ombudsman responsibilities and powers of investigating and resolving complaints by members of the public against Police Officers; to amend the Police Law (2014 Revision) in order to discontinue the Police Public Complaints Authority; and to make provision for incidental and connected matters.

Deputy Chairman: The question is that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

OMBUDSMAN BILL, 2016

The Clerk:

Clause 1 Short title and commencement

Deputy Chairman: The question is that clause 1 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Interpretation

[Pause]

Deputy Chairman: Is there an amendment Honourable Deputy Governor?

AMENDMENT TO CLAUSE 2

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chair.

I propose that the Bill be amended in clause (2)(a) by inserting after the words "in part 1" the words —

[Inaudible Interjection]

The Deputy Governor, Hon. Franz I. Manderson: Sorry, Mr. Chair, I am getting my documents mixed up. That the Bill is amended as follows—

a) In the long title by deleting the words "made by Members of the—

[Inaudible Interjections]

The Deputy Governor, Hon. Franz I. Manderson: Sorry, Mr. Chairman, one minute.

[Pause]

The Deputy Governor, Hon. Franz I. Manderson: Sorry, Mr. Chairman.

In clause 2(1) in the definition of the words "Deputy Ombudsman (Maladministration)" by deleting the word "Maladministration" and substituting the word "Complaints".

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: Mr. Chairman, this was the matter raised by the Member for East End during his debate and we have taken his comments on board and made the necessary amendments.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

[Pause]

The Clerk:

Clause 3	Appointment of Ombudsman
Clause 4	Oath of Office
Clause 5	Salary and emoluments
Clause 6	Independence

Deputy Chairman: The question is that clauses 3 through 6 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 3 through 6 passed.

The Clerk:

Clause 7	Staff
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Deputy Chairman: Honourable Deputy Governor, I understand that there is an amendment.

AMENDMENT TO CLAUSE 7

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chair.

In clause 7(b) by deleting the words "Maladministration" and substituting the words "Complaints".

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, Mr. Chair.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 7 passed.

Deputy Chairman: The question is that clause 7, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 7, as amended, passed.

The Clerk:

Clause 8	Functions of Ombudsman and Deputy Ombudsmen
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Deputy Chairman: Honourable Deputy Governor, I understand that there is an amendment.

AMENDMENT TO CLAUSE 8

The Deputy Governor, Hon. Franz I. Manderson: Yes, Mr. Chairman, I have two amendments for this section.

In clause 8(2)(a) by deleting the word "Maladministration" and substituting the word "Complaints".

Also, by inserting after the words “in Part 1” the words “or Part 3”.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 8 passed.

Deputy Chairman: The question is that clause 8, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 8, as amended, passed.

The Clerk:

Clause 9	Alternative methods for resolution of matter
Clause 10	Advisers
Clause 11	Annual and extraordinary reports
Clause 12	Immunity
Clause 13	Indemnity
Clause 14	Use of title “Ombudsman”
Clause 15	Regulations
Clause 16	Transitional provisions

Deputy Chairman: The question is that clauses 9 through 16 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 9 to 16 passed.

The Clerk:

Schedule 1	Oath for the due execution of the Office of Ombudsman
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Deputy Chairman: The question is that Schedule 1 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Schedule 1 passed.

The Clerk:

Schedule 2	Laws in respect of which the Ombudsman has responsibility
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Deputy Chairman: I understand that there is an amendment.

AMENDMENT TO SCHEDULE 2

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chair.

The Bill is to be amended in Schedule 2 as follows:

- (a) in Part 1, by inserting below the words “The Complaints (Maladministration) Law, 2016” the words “The Whistleblower Protection Law, 2015”;
- (b) in Part 2, by deleting the words “The Whistleblower Protection Law, 2015”; and
- (c) In Part 3 of the Schedule, by deleting the words “The Police Public Complaints Law, 2016” and substituting the words “The Police (Complaints by the Public) Law, 2017”.

Thank you.

Deputy Chairman: Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: No, sir.

Deputy Chairman: The question is that the amendment stands part of Schedule 2.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to Schedule 2 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Schedule 2, as amended, passed.

The Clerk: A Bill for a Law to create the Office of Ombudsman charged with responsibility for investigating and resolving complaints made by members of the public against police officers and charged with additional responsibilities under prescribed Laws; to create the Office of the Deputy Ombudsman for the purpose of assisting the Ombudsman in the performance of those responsibilities; and to make provision for related matters.

Deputy Chairman: Honourable Deputy Governor, I understand that there is an amendment for the long title.

AMENDMENT TO LONG TITLE

The Deputy Governor, Hon. Franz I. Manderson: That is correct, Mr. Chairman.

The Bill is amended as follows:

- a) In the long title by deleting the words “made by members of the public against police officers and charged with additional responsibilities”;

Deputy Chairman: The question is, that the amendment to the long title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: The Title, as amended, passed.

PUBLIC MANAGEMENT AND FINANCE (AMENDMENT) BILL, 2016

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of section 2 of the Public Management and Finance Law (2013 Revisions) - definitions
Clause 3	Repeal of section 45A and 81A - application of Part IV to Office of the Information Commissioner; Law not to affect independence of Information Commissioner
Clause 4	Amendment of miscellaneous provisions - substitution of the word “Ombudsman” for the words “Complaints Commissioner”; deletion of the words “Information Commissioner”
Clause 5	Transitional provisions

Deputy Chairman: The question is that clauses 1 through 5 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 5 passed.

The Clerk: A Bill for a Law to amend the Public Management and Finance Law (2013 Revision) as a consequence of the abolition of the Offices of Complaints Commissioner and Information Commissioner and the Constitution of the Office of Ombudsman; and to make provision for incidental and connected matters.

Deputy Chairman: The question is that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

[Pause]

PUBLIC SERVICE MANAGEMENT (AMENDMENT) BILL, 2016

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of section 2 of the Public Service Management Law (2013 Revision) - definitions and interpretation
Clause 3	Amendment of section 6 - personnel authorities of Governor
Clause 4	Repeal of sections 37A and 38A - remuneration and terms and conditions of Information Commissioner; term of office and removal of Information Commissioner
Clause 5	Amendment of miscellaneous provisions - substitution of the word “Ombudsman” for the words “Complaints Commissioner”
Clause 6	Transitional provisions

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 6 passed.

The Clerk: A Bill for a Law to amend the Public Service Management Law (2013 Revision) as a consequence of the abolition of the Offices of Complaints Commissioner and Information Commissioner and the Constitution of the Office of Ombudsman; and to make provisions for incidental and connected matters.

Deputy Chairman: The question is that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

**COMPLAINTS COMMISSIONER (AMENDMENT)
BILL, 2016**

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of section 1 of the Complaints Commissioner Law (2014 Revision) - short title
Clause 3	Amendment of section 2 - definitions
Clause 4	Repeal of sections 3 to 7 - appointment of Commissioner; oath of office; salary and emoluments; administrative provisions; appointment of acting Commissioner
Clause 5	Repeal of Schedule 1 - oath for the due execution of the office of Commissioner
Clause 6	Amendment of miscellaneous provisions - substitution of the word "Ombudsman" for the word "Commissioner"
Clause 7	Abolition of post of Complaints Commissioner; transitional provisions

Deputy Chairman: The question is that clauses 1 through 7 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 7 passed.

The Clerk: A Bill for a Law to amend the Complaints Commissioner Law (2014 Revision) as a consequence

of the Constitution of the Office of Ombudsman; to abolish the Office of Complaints Commissioner and transfer the Complaints Commissioner's powers and responsibilities to the Ombudsman; and to make provision for incidental and connected matters.

Deputy Chairman: The question is that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

**FREEDOM OF INFORMATION (AMENDMENT)
BILL, 2016**

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of section 2 of the Freedom of Information Law (2015 Revision) - definitions
Clause 3	Amendment of heading to Part VI - Information Commissioner
Clause 4	Repeal of section 35 to 38 - office of the Information Commissioner; independence and powers; Information Commissioner to be subject to Public Service Management Law (2013 Revision); staff
Clause 5	Amendment of section 39 - general activities
Clause 6	Amendment of section 40 - reports
Clause 7	Repeal of section 41 - protection of the Commissioner
Clause 8	Amendment of miscellaneous provisions - substitution of the word "Ombudsman" for the word "Commissioner"
Clause 9	Abolition of post of Information Commissioner; transitional provisions

Deputy Chairman: The question is that clauses 1 through 9 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 9 passed.

The Clerk: A Bill for the Law to amend the Freedom of Information Law (2015 Revision) as a consequence of the Constitution of the Office of Ombudsman; to abolish

the Office of Information Commissioner and transfer the Information Commissioner's powers and responsibilities to the Ombudsman; and to make provision for incidental and connected matters.

Deputy Chairman: The question is that the Title do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

[Pause]

PUBLIC MANAGEMENT AND FINANCE (AMENDMENT) (NO. 2) BILL, 2016

The Clerk:

Clause 1 Short title and commencement

Deputy Chairman: The question is that clause 1 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Amendment of section 2 of the Public Management and Finance Law (2013 Revision) - definitions

[Pause]

Deputy Chairman: Honourable Minister of Finance.

AMENDMENT TO CLAUSE 2

Hon. Marco S. Archer, Minister of Finance & Economic Development, Fourth Elected Member for George Town: Thank you, Mr. Chairman.

Mr. Chairman, in accordance with provisions of Standing Order 52 subsection(1) and (2), I, Marco Archer, JP, Minister of Finance—

Deputy Chairman: I do not know if your mic is on Minister.

Hon. Marco S. Archer: Is it?
Yes, sir.

Deputy Chairman: Thank you.

Hon. Marco S. Archer: My apologies.

I, the Honourable Marco Archer, JP, Minister of Finance & Economic Development give notice to move the following amendments to the Public Management and Finance (Amendment) (No. 2) Bill, 2016:

That the Bill be amended as follows Mr. Chairman—

- a) In clause 2 -
 - (i) in paragraph (b) by inserting in the appropriate alphabetical sequence the following definitions -
 - “pensions fund” means a fund continued or established under a pension Law or by an Order under a pensions Law;
 - “pensions Law” means the Judges’ Emoluments and Allowances Law (2006 Revision), Parliamentary Pensions Law (2016 Revision) or the Public Service Pensions Law (2013 Revision);

“Public Service Pensions Board” means the Public Service Pensions Board established under section 5(1) of the Public Service Pensions Law (2013 Revision);”;

- (ii) in paragraph (d) by deleting the words “; and” and substituting a semicolon;
- (iii) in paragraph (e), by deleting the full stop and substituting the words “; and”; and
- (iv) by inserting after paragraph (e) the following paragraph—
 - “(f) in the definition of the words “statutory authority” by inserting after the word “entity” the words “(including the Public Service Pensions Board).”.”;

Deputy Chairman: Does the Honourable Member wish to speak thereto?

Hon. Marco S. Archer: No, thank you, Mr. Chairman.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3 Amendment of section 7 - appropriations required for various transactions

Deputy Chairman: Amendment, Honourable Minister.

NEW CLAUSE 3A

Hon. Marco S. Archer: Thank you, Mr. Chairman.

By inserting after clause 3, the following clause

—

3A. The principal Law is amended in section 10(2)(c)(i) and (d)(i) by deleting the words “established under the Public Service Pensions Law (2013 Revision)”.

[Pause]

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to Clause 3 passed.

Deputy Chairman: The question is that the new clause 3A, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: New Clause 3A passed.

[Pause]

The Clerk:

Clause 4 Amendment of section 11 – authorisation in advance of appropriation

Clause 5 Amendment of section 12 - advance approval of executive expenses and capital expenditure

Clause 6 Insertion of subheading - extension power in emergency or for exceptional circumstance and section 12A - power to extend

Clause 7 Amendment of section 13 – emergency expenditure

Clause 8 Amendment of section 14 – responsible financial management

Clause 9 Amendment of section 24 - plan and estimates

Clause 10 Amendment of section 26 – pre-election economic and financial update

Deputy Chairman: The question is that clauses 4 through 10 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 4 through 10 passed.

The Clerk:

Clause 11 Repeal and substitution of section 29 - government annual report and insertion of section 29A - Government Annual Reports

Deputy Chairman: Honourable Minister, I understand that there is an amendment.

AMENDMENT TO CLAUSE 11

Hon. Marco S. Archer: Thank you, Mr. Chairman.

Mr. Chairman, I propose that we make the following amendment in clause 11 by, after the new section 29A(3) proposed for insertion in the principal Law, the following subsections -

“(3A) However, for the Public Service Pensions Board, the financial statements are not to include financial statements for pension funds.

(3B) Subsection (3A) applies despite any contrary requirement of a pensions Law.”

Thank you, Mr. Chairman.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 11 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 11, as amended, passed.

The Clerk:

Clause 12	Amendment of section 32 - duties of Minister of Finance
Clause 13	Insertion of section 38A - chief financial officer
Clause 14	Amendment of section 41 - further duties and powers of, and prohibitions on, ministries and portfolios
Clause 15	Amendment of section 42 - budget statement
Clause 16	Repeal and substitution of section 44 - ministry or portfolio annual report
Clause 17	Amendment of section 49 - annual purchase agreement
Clause 18	Amendment of section 50 - annual ownership agreement

Deputy Chairman: The question is that clauses 12 through 18 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 12 through 18 passed.

The Clerk:

Clause 19	Repeal and substitution of section 52 - statutory authorities or government company annual report
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Deputy Chairman: Honourable Minister of Finance, I understand that there is an amendment.

AMENDMENT TO CLAUSE 19

Hon. Marco S. Archer: Thank you, Mr. Chair.

I propose that in clause 19 we make the following amendment, in clause 19 by, after the new section 52(3) proposed for insertion in the principal Law, by inserting the following subsections –

“(3A) However, with the Public Service Pensions Board, the financial statements are not to include financial statements for pension funds.

(3B) Subsection (3A) applies despite any contrary requirement of a pensions Law.”; and

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreement: Amendment to clause 19 passed.

Deputy Chairman: The question is that clause 19, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 19, as amended, passed.

Hon. Marco S. Archer: Mr. Chairman, if I could quickly say, the last “and” that I mentioned just now, if you could strike that from the record.

Thank you.

The Clerk:

Clause 20	Deletion and substitution of Part VI heading - ministry responsible for finance
Clause 21	Amendment of section 54 - duties of the ministry responsible for finance
Clause 22	Amendment of section 55 - executive bank account

Deputy Chairman: The question is that clauses 20 through 22 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 20 through 22 passed.

The Clerk:

Clause 23	Repeal and substitution of section 56 - power to request information for Government reporting
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Deputy Chairman: Honourable Minister of Finance, and amendment.

AMENDMENT TO CLAUSE 23

Hon. Marco S. Archer: Thank you, Mr. Chairman.

Mr. Chairman, I propose that in clause 23 we make the following amendment after the new section 56(5)

proposed for insertion in the principal Law, inserting the following subsection –

- “(6) the requirement may be made generally for any or all entities of the types mentioned in subsection (1) –
- (a) by an entry in the Public Finance Manual prepared and published under section 54; or
 - (b) on a post on a Government website that the Chief Officer of finance considers appropriate to inform them of the requirement.”.

Mr. Chairman, I would just like to say that the proposed amendments, or the amendments to clauses 2, 3, 11, 19 and 23, were to exclude the Public Service Pensions Fund from the entire public sector consolidated financial statements and to include the operating expenses of the Public Service Pension Board in the entire public sector consolidated financial statements.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 23 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 23, as amended, passed.

The Clerk:

- Clause 24 Amendment of section 57 - powers of internal audit unit
- Clause 25 Amendment of section 60 - powers and duties of auditor general
- Clause 26 Amendment of section 69 - annual report of audit office
- Clause 27 Repeal and substitution of subheading - transitional arrangements, repeals and consequential amendment and sections 82 – transition of accounts and 83 – transition to responsible financial management
- Clause 28 Amendment of Schedule 4 - financial statements
- Clause 29 Miscellaneous consequential amendments - to update certain -

references for insertion of sections 82 and 83

Deputy Chairman: The question is that clauses 24 through 29 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 24 to 29 passed.

The Clerk: A Bill for a Law to amend the Public Management and Finance Law (2013 Revision) to make better provisions about transactions for which appropriation is not required, to more clearly provide for the functions of the Minister of Finance, the Financial Secretary, the Chief Officer of Finance, and of other Chief Officers, the Director of Internal Audit, and of Chief Financial Officers, to provide for clearer and simpler pre-election and financial updates, to provide for Government quarterly reports, to streamline and update provisions about annual reports, to provide for a manual about compliance with generally accepted accounting practice by entities, to allow for additional and voluntary debt principle repayments without increasing the debt servicing ratio, to change certain documents from annual to two-yearly, to update certain references in the Law; and to make provision for incidental and connected matters.

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

Deputy Chairman: Honourable Members, I would like to run until 2:00 when we stop for the afternoon. If there are those who may want to go out to get something to eat or anything, I would like to take a two-minute break. You may stay in your chair, I will be right back.

[Pause]

Deputy Chairman: Not to scare you. We will stop at 2:00 instead of 3:00, so we will not have to come back.

FOUNDATION COMPANIES BILL, 2016

The Clerk:

Clause 1 Short Title and commencement

Deputy Chairman: The question is that clause 1 do stands part of the Bill.

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

Mr. Alva H. Suckoo, Jr.; Fourth Elected Member for Bodden Town: Mr. Chairman, I do not believe we have quorum right now.

[Inaudible Interjections]

[Pause]

Deputy Chairman: The question is that clause 1 do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Definitions

Deputy Chairman: I call on Honourable Member for Financial Services for the amendment.

AMENDMENT TO CLAUSE 2

Hon. G. Wayne Panton, Minister of Financial Services, Commerce & Environment: Thank you, Mr. Chair.

Mr. Chair, in accordance with the provisions of Standing Order 52(1) and (2) I, the Minister for Financial Services give notice to move the following amendment to the Foundations Bill, 2016:

That the Bill be amended as follows -

- (a) in clause 2(1), in the proposed definition of the word "supervisor", by deleting the words "a right" and substituting the words "an unconditional right".

Deputy Chairman: Does the Minister wish to speak thereto?

Hon. G. Wayne Panton: No, thank you, Mr. Chair.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3 Application of Laws

Deputy Chairman: Honourable Minister, there is an amendment, I understand.

AMENDMENT TO CLAUSE 3

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

Mr. Chair I move an amendment to clause 3 (3), by deleting the words "subsection (2) or".

Deputy Chairman: The question is that the amendment stands part of the Clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

The Clerk:

Clause 4	Foundation company requirements
Clause 5	Declaration of foundation company
Clause 6	Model form of constitution – Schedule 2
Clause 7	Duties, powers, and rights
Clause 8	Members and supervisors
Clause 9	Altering a memorandum
Clause 10	Altering articles
Clause 11	Dispute resolution
Clause 12	Bylaws
Clause 13	Registered office
Clause 14	Register of supervisors
Clause 15	Limitation on distributions

Clause 16 Secretary

Deputy Chairman: The question is that clauses 4 through 16 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 4 through 16 passed.

The Clerk:

Clause 17 Compliance with regulatory laws

Deputy Chairman: Honourable Minister, I understand that there is an amendment.

AMENDMENT TO CLAUSE 17

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

Mr. Chair, I move an amendment to Clause 17(1) -

- (i) In paragraph (a), by deleting the words “regulatory laws” and substituting the following words –

“following Laws and Regulations –

- (i) The Proceeds of Crime Law (2016 Revision);
(ii) The Terrorism Law (2015 Revision); and
(iii) The Money Laundering Regulations (2015 Revision)”; and

- (ii) In paragraph (b), by deleting the words “the regulatory laws” and substituting the words “those Laws and Regulations”.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 17 passed.

Deputy Chairman: The question is that clause 17, as amended, stands part of the Bill.

All those in favour, please say Aye.

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 17, as amended, passed.

The Clerk:

Clause 18 Constitutional obsolescence etc.

Clause 19 Breakdown in the appointment of directors or supervisors

Clause 20 Application to the Court for opinion, advice or directions

Clause 21 General order-making power for Part

Clause 22 Provision about offences

Clause 23 Regulations

Deputy Chairman: The question is that clauses 18 through 23 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 18 through 23 passed.

The Clerk:

Schedule 1 The Companies Law Applicable to Foundation Companies

Schedule 2 Model constitution

Deputy Chairman: The question is that Schedule 1 and 2 do form part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Schedules 1 and 2 passed.

The Clerk: A Bill for a Law to allow certain companies to be registered as Foundation Companies, for their constitution, operation, management and winding up; and to provide for incidental and connected matters.

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

EVIDENCE (AMENDMENT) BILL, 2017

The Clerk:

Clause 1 Short title

Clause 2 Amendment of section 37 of the Evidence Law (2011 Revision) - evidence through television links

Clause 3 Transitional provisions

Deputy Chairman: The question is that clauses 1 through 3 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Evidence Law (2011 Revision) to make provision for the giving of evidence through television links at trials of offences that are triable only summarily; and for incidental and connected purposes.

[Inaudible Interjections]

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

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

Deputy Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: I think we have omitted the Development Bank (Amendment) Bill, 2016.

[Inaudible Interjections]

The Premier, Hon. Alden McLaughlin: We can just do it. We can just go back and do it.

[Inaudible Interjections]

The Premier, Hon. Alden McLaughlin: Let us just proceed and come back to it then. The Clerk does not have a copy of it.

[Inaudible Interjections]

PENAL CODE (AMENDMENT) BILL, 2017

Clause 1 Short title

Clause 2 Insertion of sections 45A to 45E into the Penal Code (2013 Revision) - sex-

ual harm prevention order; interim sexual harm prevention order; breach of sexual harm prevention order or interim sexual harm prevention order an offence; amendment of sexual harm prevention order or interim sexual harm prevention order; meaning of sexual harm

Clause 3 Insertion of sections 283A and 283B into the Penal Code (2013 Revision) – possession, etc. of articles for use to defraud; making or supplying articles for use to defraud, meaning of article

Deputy Chairman: The question is that clauses 1 through 3 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Penal Code (2013 Revision) to make provision for the making of sexual harm prevention orders; the offences of possession of articles for use to defraud and making or supplying articles for use to defraud; and for incidental and connected purposes.

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

DATA PROTECTION BILL, 2016

Clause 1 Short title and commencement

Deputy Chairman: The question is that clause 1 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Interpretation

Deputy Chairman: There is an amendment Honourable Attorney General.

AMENDMENT TO CLAUSE 2

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

Mr. Chair, in accordance with provision of Standing Order 52(1) and (2) I, Honourable Attorney General, wish to move the following committee stage amendment to Data Protection Bill, 2016 that the Bill be amended as follows:

- (a) in clause 2 -
 - (i) by deleting the definition of “consent” and substituting the following definition -
“ “consent” in relation to a data subject means any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which the data subject, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to the said data subject;”;
 - (ii) by deleting the definition of “data controller” and substituting the following definition -
“ “data controller” means the person who, alone or jointly with others determines the purposes, conditions and manner in which any personal data are, or are to be, processed and includes a local representative referred to in section 6(2);”;
 - (iii) by deleting the definition of “personal data” and substituting the following definition -
“ “personal data” means data relating to a living individual who can be identified and includes data such as -
 - (a) the living individual’s location data, online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the living individual;
 - (b) an expression of opinion about the living individual; or
 - (c) any indication of the intentions of the data controller or any other person in respect of the living individual;”;
 - (iv) in the definition of “processing”, by deleting the words “information or” wherever they appear and substituting the word “personal”;
 - (v) in the definition of “public register”, by deleting the words “under a Law” and substituting the words “by law”; and
 - (vi) in the definition of “recipient” by deleting the words “means a person to whom the

data are disclosed, including” and substituting the words “includes a person to whom the data are disclosed, as well as”;

Deputy Chairman: Does the Honourable Member wish to speak thereto?

Hon. Samuel W. Bulgin, Attorney General: No, Mr. Chair; thank you.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

Deputy Chairman: The question is that the interpretation amendment, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3 Sensitive personal data

Deputy Chairman: Honourable Attorney General, and amendment.

AMENDMENT TO CLAUSE 3

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

I would like to move the following amendment to clause 3, by inserting after paragraph (f) the following paragraph and renumbering accordingly -
“(g) medical data;”;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

The Clerk:

Clause 4	Special purposes
Clause 5	The data protection principles: content, consent and duty to comply

Deputy Chairman: The question is that clauses 4 and 5 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 4 and 5 passed.

The Clerk:

Clause 6	Application of Law: duty to nominate a Cayman Islands representative
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Deputy Chairman: Honourable Attorney General, an amendment.

AMENDMENT TO CLAUSE 6

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

In clause 6(2), by deleting the word “resident” and substituting the word “established”;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 6 passed.

Deputy Chairman: The question is that the clause 6, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 6, as amended, passed.

The Clerk:

Clause 7	Information Commissioner
Clause 8	Fundamental rights of access to personal data
Clause 9	Treatment of requests under section 8
Clause 10	Right to stop processing
Clause 11	Right to stop processing for direct marketing
Clause 12	Rights in relation to automated decision making
Clause 13	Compensation for failure to comply
Clause 14	Rectification, blocking, erasure, or destruction

Deputy Chairman: The question is that clauses 7 and 14 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 7 to 14 passed.

The Clerk:

Clause 15	Preliminary determination by Commissioner as to restricted processing
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Deputy Chairman: Honourable Attorney General. I –

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

Deputy Chairman: A proposed amendment.

AMENDMENT TO CLAUSE 15

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

Mr. Chair I move the following amendment in clause 15, by deleting the words “upon the recommendation of the Commissioner” and substituting “after consultation with the Commissioner and such other persons that the Cabinet may consider appropriate”;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 15 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 15, as amended, passed.**The Clerk:**

Clause 16	Personal data breaches
Clause 17	Effect of this Part
Clause 18	National security
Clause 19	Crime, government fees and duties
Clause 20	Health, education or social work

Deputy Chairman: The question is that clauses 16 through 20 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 16 through 20 passed.**The Clerk:**

Clause 21	Monitoring, inspection or regulatory function
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Deputy Chairman: Honourable Attorney General, proposed amendment.

AMENDMENT TO CLAUSE 21

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

Mr. Chair, I beg to move the following amendment Clause 21 by deleting clause 21(1) and substituting the following clause -

- “(1) Personal data which are processed for the purposes of any monitoring, inspection or regulatory function connected with the exercise of a public function in cases of -
- (a) public safety;
 - (b) the prevention, investigation, detection and prosecution of criminal offences, or of breaches of ethics for regulated professions; or
 - (c) an important economic or financial interest of the Islands, including –
 - (i) compliance with international tax treaties or international co-operation purposes;

- (ii) any monitoring, inspection or regulatory function exercised by official authorities (including regulation of the financial services industry); and

- (iii) any monetary, budgetary and taxation purposes in the Islands, are exempt from the subject information provisions to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of the function.”;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 21 passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 21, as amended, passed.**The Clerk:**

Clause 22	Journalism, literature, or art
Clause 23	Research, history, or statistics
Clause 24	Information available to public by or under enactments
Clause 25	Disclosure required by law or made in connection with legal proceedings
Clause 26	Personal, family, or household affairs
Clause 27	Honours
Clause 28	Corporate finance
Clause 29	Negotiations

Deputy Chairman: The question is that clauses 22 through 29 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 22 through 29 passed.

The Clerk:

Clause 30 Legal professional privilege

Deputy Chairman: Honourable Attorney General proposed amendment.

AMENDMENT TO CLAUSE 30

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

Mr. Chair, I beg to move the following amendment to clause 30 by deleting clause 30 and substituting the following clause – (*The marginal notes would read “Legal professional privilege and trusts”*) –

30. Personal data are exempt from the subject information provisions if the data consist of information -

- (a) in respect of which legal professional privilege applies;
- (b) in relation to –
 - (i) any structure or arrangement that is an ordinary trust;
 - (ii) any structure or arrangement that is a trust established pursuant to the Trusts Law (2011 Revision); or
 - (iii) any will made pursuant to the Wills Law (2004 Revision).”;

Deputy Chairman: The question is that the amendment stands part of the clause.

All those in favour please say Aye.

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 30 passed.

Deputy Chairman: The question is that clause 30, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 30, as amended, passed.

The Clerk:

Clause 31 Exemptions by regulations
 Clause 32 Independence and powers
 Clause 33 Commissioner to be subject to Public Service Management Law (2013 Revision)
 Clause 34 Functions of Commissioner
 Clause 35 Documents signed by Commissioner
 Clause 36 Reports to the Legislative Assembly and budget

Clause 37 International cooperation
 Clause 38 Protection of Commissioner
 Clause 39 Defamation
 Clause 40 Consultation of Commissioner
 Clause 41 Promotion of the Law by Commissioner
 Clause 42 Codes of practice

Deputy Chairman: The question is that clauses 31 to 42 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 31 to 42 passed.

The Clerk:

Clause 43 Complaints

Deputy Chairman: Honourable Attorney General, a proposed amendment.

AMENDMENT TO CLAUSE 43

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

Mr. Chair, I propose the following amendment to clause 43, by inserting after subclause (1) the following subclause -

“(1A) A person submitting a complaint on behalf of another under subsection (1) shall provide written authorization from the aggrieved person.”;

Deputy Chairman: Does any other Member wish to speak? The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 43 passed.

Deputy Chairman: The question is that clause 43, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 43, as amended, passed.

The Clerk:

Clause 44 Information orders

Deputy Chairman: Honourable Attorney General.**AMENDMENT TO CLAUSE 44****Hon. Samuel W. Bulgin, Attorney General:** Thank you, Mr. Chair.

Mr. Chair, I move the following amendment in clause 44, by deleting subclause (1) and substituting the following subclause -

“(1) The Commissioner may require any person to provide such information as the Commissioner may reasonably consider appropriate for the purpose of carrying out the Commissioner’s functions under this Law including any information with respect to which an exemption is claimed.”;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.**Deputy Chairman:** The Ayes have it.**Agreed: Amendment to clause 44 passed.****Deputy Chairman:** The question is that clause 44, as amended, stands part of the Bill.

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

AYES.**Deputy Chairman:** The Ayes have it.**Agreed: Clause 44, as amended, passed.****The Clerk:**

Clause 45 Enforcement orders
Clause 46 Failure to comply with order
Clause 47 Right to seek judicial review
Clause 48 Commissioner to certify
Clause 49 Disclosure of information

Deputy Chairman: The question is that clauses 45 through 49 do stand part of the Bill.

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

AYES.**Deputy Chairman:** The Ayes have it.**Agreed: Clauses 45 through 49 passed.****The Clerk:**

Clause 50 Confidentiality of information

Deputy Chairman: Honourable Attorney General, a proposed amendment.**AMENDMENT TO CLAUSE 50****Hon. Samuel W. Bulgin, Attorney General:** Thank you, Mr. Chair.

Mr. Chair, I move the following amendment to Clause 50.

In clause 50(1), by inserting after the words “shall not” the words “knowingly or wilfully”;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.**Deputy Chairman:** The Ayes have it.**Agreed: Amendment to clause 50 passed.****Deputy Chairman:** The question is that clause 50, as amended, stands part of the Bill.

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

AYES.**Deputy Chairman:** The Ayes have it.**Agreed: Clause 50, as amended, passed.****The Clerk:**

Clause 51 Entry and search of premises

Deputy Chairman: Honourable Attorney General, a proposed amendment.**AMENDMENT TO CLAUSE 51****Hon. Samuel W. Bulgin, Attorney General:** Thank you, Mr. Chair.

Mr. Chair, I propose the following amendment to Clause 51.

In clause 51(3), by deleting the word “issued” and substituting the word “granted”.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 51 passed.

Deputy Chairman: The question is that clause 51, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 51, as amended, passed.

The Clerk:

Clause 52 Warrant not exercisable

Deputy Chairman: The question is that clause 52 do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 52 passed.

The Clerk:

Clause 53 Offences in respect of warrants

Deputy Chairman: Honourable Attorney General, a proposed amendment.

AMENDMENT TO CLAUSE 53

Hon. Samuel W. Bulgin, Attorney General: Thank you, Sir. In clause 53(a), by deleting the word "issued" and substituting the word "granted";

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 53 passed.

Deputy Chairman: The question is that clause 53, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 53, as amended, passed.

The Clerk:

Clause 54 Unlawful obtaining etc. of personal data

Deputy Chairman: Honourable Attorney General, a proposed amendment.

AMENDMENT TO CLAUSE 54

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

In clause 54, by deleting subclause (2) and substituting the following subclause -

"(2) Subsection (1) does not apply to a person who shows that the obtaining, disclosing or procuring -

(a) was necessary for the purpose of preventing or detecting a crime; or

(b) was required or authorized by or under any enactment, by any law or by the order of the Grand Court.";

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 54 passed.

Deputy Chairman: The question is that clause 54, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 54, as amended, passed.

The Clerk:

Clause 55 Power of the Commissioner to impose monetary penalty

Deputy Chairman: The question is that clause 55 do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 55 passed.**The Clerk:**

Clause 56 Guidance about monetary penalty orders

Deputy Chairman: Honourable Attorney General, a proposed amendment.

AMENDMENT TO CLAUSE 56

Hon. Samuel W. Bulgin, Attorney General: Thank you, Mr. Chair, in 56(1), by inserting after the words “and issue guidance” the words “after consultation with the Cabinet”;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 56 passed.

Deputy Chairman: The question is that clause 56, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 56, as amended, passed.

The Clerk:

Clause 57 General provisions relating to offences

Deputy Chairman: The question is that clause 57 do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 57 passed.

The Clerk:

Clause 58 Liability for offences

Deputy Chairman: Honourable Attorney General, a proposed amendment.

AMENDMENT TO CLAUSE 58

Hon. Samuel W. Bulgin, Attorney General: Thank you Chair: In clause 58(1), by deleting the word “manager” wherever it appears;

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 58 passed.

Deputy Chairman: The question is that clause 58, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 58, as amended, passed.

The Clerk:

Clause 59 Law binds Crown
Clause 60 Service of orders, etc.

Deputy Chairman: The question is that clauses 59 and 60 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 59 and 60 passed.

The Clerk:

Clause 61 Regulations

Deputy Chairman: Honourable Attorney General.

AMENDMENT TO CLAUSE 61

Hon. Samuel W. Bulgin, Attorney General: Thank you Chair, in clause 61(2)(c), by deleting the words “the regulations” and substituting the words “this Law”; and

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to clause 61 passed.

Deputy Chairman: The question is that clause 61, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 61, as amended, passed.

The Clerk:

Schedule 1	The Data Protection Principles and their Interpretation
Schedule 2	First Principle - Conditions for Processing of any Personal Data
Schedule 3	First Principle - Conditions for Processing of Sensitive Personal Data

Deputy Chairman: The question is that Schedules 1 through 3 do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Schedules 1 to 3 passed.

The Clerk:

Schedule 4	Transfers to which Eight Principle does not apply
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Deputy Chairman: Honourable Attorney General, a proposed amendment.

AMENDMENT TO SCHEDULE 4

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

Mr. Chair I move the following amendment to Schedule 4, by deleting paragraph 10 and the heading and substituting the following paragraph and heading - "International cooperation between intelligence agencies or regulatory agencies
10. The transfer is required under international co-operation arrangements between intelligence agencies or between regulatory agencies to combat organized crime, terrorism or drug trafficking or to carry out other cooperative functions."

Deputy Chairman: The question is that the amendment stands part of the Schedule.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Amendment to Schedule 4 passed.

Deputy Chairman: The question is that Schedule 4, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Schedule 4, as amended, passed.

The Clerk:

Schedule 5	Conditions of consent
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Deputy Chairman: The question is that Schedule 5 do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Schedule 5 passed.

The Clerk: A bill for a Law to provide for the protection of personal data; and for incidental and connected purposes.

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, are we now ready to deal with the Development Bank (Amendment) Bill?

[Inaudible Interjections]

The Premier, Hon. Alden McLaughlin: Mr. Chairman, we can deal with that one. The three Bills for which the Minister of Planning has responsibility for conducting

through, the Community Stage amendments for those are not completed yet, so we would have to leave those until tomorrow. However, I believe if time permits, we could also deal with the Non-Profit Organization Bill, 2016, which is a re-committal and it really was only the marginal notes on this Schedule which were not dealt with. So, that should take all of two minutes.

Hon. Moses I. Kirkconnell: Mr. Chairman, I would like to recognise the Deputy Premier from Turks and Caicos and his delegation that is here with us in the House; the Honourable Sean R. Astwood.

Deputy Chairman: Welcome Folks.

[Inaudible Interjections]

DEVELOPMENT BANK (AMENDMENT) BILL, 2016

The Clerk:

Clause 1	Short title and commencement
Clause 2	Amendment of the Development Bank Law (2004 Revision) - sections 4, 9, 10, 12, 13, 14, 16, 17, 18, 19, 24 and 31 and paragraphs 1, 2, 4 and 12 of the First Schedule
Clause 3	Amendment of section 4 - Board of Directors
Clause 4	Amendment of section 12 - directions by Minister
Clause 5	Amendment of section 13 - powers of the Bank
Clause 6	Amendment of section 21- accounts
Clause 7	Amendment of the First Schedule - CAYMAN ISLANDS DEVELOPMENT BANK, Board of Directors, appointment and tenure of directors

Deputy Chairman: The question is that clauses 1 through 7 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 to 7 passed.

The Clerk: A Bill for a Law to amend the Development Bank Law (2004 Revision), to address operational concerns; to replace the words "Governor in Cabinet" with the word "Cabinet" throughout the Law; to appoint new Members to the Board of Directors of the Bank; and for incidental and connected purposes.

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

[Pause]

Deputy Chairman: Honourable Committee, this is a re-committal of this Bill that was sent down. I will read what Her Excellency said.

"Madam Speaker, I am writing to inform you of my intention to return the Non-Profit Organisations Bill to the Legislative Assembly pursuant to section 79 of the Constitution Order 2009. The incorrect April's Bill was taken to the Committee Stage and thus some of the marginal notes were incorrect. A Schedule to the September Bill was also not considered with the Legislative Assembly. In the circumstances I recommend that the September 2016 Bill be reconsidered by the Committee on Bills."

[Pause]

Deputy Chairman: In practicality, we are not re-committing the whole Bill; it is just to read as the Clerk would indicate.

NON-PROFIT ORGANISATIONS BILL, 2016

Clause 1	Short title and commencement
Clause 2	Interpretation
Clause 3	Appointment of Registrar of Non-Profit Organisations
Clause 4	Functions of the Registrar
Clause 5	Establishment of a register of non-profit organisations
Clause 6	Registration application
Clause 7	Registration process and refusal of registration application
Clause 8	Cancellation or suspension of registration
Clause 9	Appeal against refusal, cancellation or suspension of registration
Clause 10	Inquiries into condition and management of non-profit organisations
Clause 11	False or misleading information or withholding information requested by the Attorney General
Clause 12	Keeping financial statements
Clause 13	Review of financial statements
Clause 14	Appeals against a review request
Clause 15	Duty to prepare annual returns
Clause 16	Failure to comply with Law
Clause 17	Imposition of administrative penalties

Clause 18	Procedure to be followed by the Registrar
Clause 19	Appeal against administrative penalty
Clause 20	Limitation period
Clause 21	Exemption or organisations
Clause 22	Regulations
Clause 23	Expenses
Clause 24	Transitional provisions
	Schedule - Information required for application to register as a Non-Profit Organisation

Deputy Chairman: The question is that Clauses 1 through 24 do stand part of the Bill.

Hon. G. Wayne Panton: Mr. Chair, before we take that vote sir, I have—

Deputy Chairman: Honourable Member for Financial Services.

Hon. G. Wayne Panton: Thank you, sir.

I wondered if it would not be appropriate for the record to specifically address the two amendments; firstly to clause 13 and then secondly to clause 14.

Mr. V. Arden McLean: Mr. Chair.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Thank you, sir. I have been waiting for that.

Hon. G. Wayne Panton: Mr. Chair—

Mr. V. Arden McLean: That is... Mr. Chairman—

The Premier, Hon. Alden McLaughlin: Could we resolve this issue before the Member intervenes?

Deputy Chairman: Honourable Members, could you hold on one second please?

Mr. V. Arden McLean: Okay.

[Pause]

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I just wanted to make sure, because we have already had an issue with this Bill. These are not new amendments, these were amendments which were moved and approved on the original Committee Stage consideration of this Bill.

So, what ought to have just occurred was that an appropriate point when the relevant clauses were called, the Minister should have intervened or should have been asked to intervene to put the Committee Stage amendments. These are not new Committee Stage amendments. These are the same ones that

were taken through the last Committee Stage consideration.

So, in my respectful view, we would simply need to re-commit those clauses. This is for the sake of completeness because we do not want this Bill to come back down here again, and the Minister can move the relevant amendments and the Committee vote on them for the sake of completeness.

Mr. V. Arden McLean: Mr. Chairman.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Mr. Chairman, the only amendment I see is one that was written on the 23rd day of February, 2017; or should I say 2 that were written then. Mr. Chairman—

The Premier, Hon. Alden McLaughlin: Mr. Chairman, can I help? Those are simply a repeat of the original amendments and these new editions of the Committee Stage amendments have simply been done to avoid any question about whether or not the Committee Stage amendments were properly before this Committee, but it is an exact copy of the original Committee Stage amendments that were part of the first consideration by this Committee.

Mr. V. Arden McLean: Mr. Chairman, be that as it may, there is no proof that has been provided to this Committee other than a re-committal in accordance with section 79 of the Constitution.

[Pause]

Mr. V. Arden McLean: Why am I doing this? Because the fact is, Mr. Chairman is that this House is made up of representatives of the people and they must be given the absolute opportunity to review, and consider whether they are going to support or not support anything that affects this country. These were submitted. This Bill was re-committed on recommendation of the Governor on the amendments that should have taken place. Now, it escapes me if they could find the marginal notes, why could they not find that there were two additional sections of this Bill that had not been considered by Committee, and we are here now as...

Well that was my understanding that there are two sections, 13 and 15, that were supposed to be included as amendments to this Bill at the time it went through the Committee stage initially.

Mr. Chairman, it is bad enough that the separations of powers is being stepped on by directives being given here as to how to deal with this and as to how this Legislation should deal with it and we got into that a few days ago, but it is my responsibility, I believe, to bring to the attention and to discuss whether or not this is being done in the proper manner. It is my position that this should not even have been at this Committee

stage because of the controversy surrounding it. Albeit, the Speaker read out here that the Attorney General advise that it should go here. The Attorney General Office has no responsibility to recommend, much less suggest, how the process should go without the absence of the Legislators being advised of this thing, of anything; because I was not advised that the Attorney General had recommended that this go to Committee. I was not advised of that. That was correspondence between the Attorney General, the Clerk, and the Governor; subsequently the Governor and the Clerk. I am a representative in the House of Parliament.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, it is an absolutely preposterous assertion that the Attorney General does not have the responsibility or authority to make recommendations with the respect to procedure in this House. The Constitution provides that, that Attorney General is the principal legal adviser, not just to the Government, but to the Legislative Assembly.

Mr. V. Arden McLean: Mr. Chairman, I totally agree with the Premier, however, it is to the Legislature, not to the Clerk.

Deputy Chairman: Honourable Attorney General.

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

I am not so sure I understand the concern of the honourable Member. Fact is that section 79 expressly provides that that Governor can return the Bill to the House with recommendations—

Hon. D. Kurt Tibbetts: 79 of what?

Hon. Samuel W. Bulgin, Attorney General: 79 of the Constitution. That is exactly what you have there, sir, you have the letter. So, that is the trigger. The Constitution go on to say *where the Governor has done so the House shall consider the recommendation*. So, it is not optional, it says “shall consider”. That is what you have in front of you. So, the process has been followed.

The question is how to deal with this Bill; it's clearly a matter for this Committee. This Committee has resolved that the entire Bill be re-committed and be dealt with and that is what has been done. So, the process is quite permissible under the Constitution and I just do not understand what the concern of the honourable Member is.

Mr. V. Arden McLean: Mr. Chair.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: I totally agree with the Attorney General but the last paragraph of the Governor's letter, the Governor has no remit; absolutely no remit. Please,

Mr. Chairman, you read this letter before, the second paragraph, *'The incorrect April's Bill was taken through the Committee stage and thus some of the marginal notes were incorrect. A Schedule to the September Bill was also not considered by the Legislative Assembly.'* It should stop right there.

The Governor has no authority in this country to give instructions or recommendation to this Legislature on how to do that. The letter goes on to say: *'In the circumstances I recommend that the September 2016 Bill be reconsidered by the Committee on Bills.'* That is for this Legislature to decide how those marginal notes and that Schedule get put into the Law. So, the Attorney General spoke of the ability to recommend. 79 directly says—

Hon. Samuel W. Bulgin, Attorney General: Mr. Chair, can I just refresh the Member's memory?

Deputy Chairman: Honourable Member.

Hon. Samuel W. Bulgin, Attorney General: He says the Governor has no power to make the recommendations. Section 79 says **“Where the Governor decides to return any Bill to the Legislative Assembly when it is presented for his or her assent, he or she shall do so within 60 days of receiving it, transmitting with it any amendments which he or she may recommend and the reasons for them...”** —

Mr. V. Arden McLean: Thank you.

Hon. Samuel W. Bulgin, Attorney General: **“and the Assembly shall consider the recommendation”.**

Mr. V. Arden McLean: That is right. That is correct.

Hon. Samuel W. Bulgin, Attorney General: The Governor shall write to the Speaker accordingly. The Governor recommended in her letter *“in the circumstances, I recommend that the September 2016 Bill be reconsidered by the Committee.”* Mr. Chair, I do not know whether I am missing something but this seem to be well within the spirit in the exact letter of what is contemplated by the constitution. So, unless I am missing something, I do not know what the argument is about.

Mr. V. Arden McLean: Mr. Chairman.

Deputy Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Mr. Chairman, the Attorney General can say he is a lawyer and the legal advisor as much as he pleases. The Constitution says **“... transmitting with it any amendments which he or she recommends and the reason for them...”** He or she has no power to recommend how to get it corrected.

[Inaudible Interjections]

Mr. V. Arden McLean: That is beside the point. Yes, I agree with you but do not tell me that it is not stepping over the boundaries of separation of powers and, Mr. Chairman, this Bill was recommitted to correct those amendments; to make those amendments. It was not re-committed to do anything else. The purpose of it, if he wants to use the Constitution then, was to do just that. However, we are doing it. It is not to go and do more amendments to this Bill.

The Premier, Hon. Alden McLaughlin: There was no more. The Bill that was passed included those amendments. We are trying to replicate it; that is all.

Mr. V. Arden McLean: Well, Mr. Chairman, if that is the case I would like to see those amendments that were made then.

[Inaudible Interjections]

Deputy Chairman: Would you please read them Attorney General? I am getting hungry.

Mr. V. Arden McLean: No, but Mr. Chairman, here I am a representative and nobody is providing information. What do they think they are? Is it only the Government that has authority or prominence in here? Every Member has and you cannot come down here and not provide the information for the representative to make their decisions.

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

Mr. V. Arden McLean: What is this, some dictatorship?

Hon. Samuel W. Bulgin, Attorney General: Mr. Chair, in clause—

Deputy Chairman: Honourable Attorney General.

Hon. Samuel W. Bulgin, Attorney General: —clause 13, Examination of Accounts:

“The Chair: I recognise the Honourable Minister for an amendment.

“Honourable G. Wayne Panton: Thank you very much, Madam Chair.

“Madam Chair, in accordance with the provisions of Standing Order 52 (1) and (2), I the Minister of Financial Services Commerce Environment, give notice to move the following amendment to the Non-Profit Organisation Bill, 2016, that the Bill be amended in clause 13(2)(a) by inserting after the word “accountant”, the words “who, neither for profit nor reward, undertakes to perform the review”.

So, it is already in the record. Just trying to make sure—

Deputy Chairman: Honourable Member for East End, if we could have the Serjeant make copies of these two amendments. One was tabled as stamped on the 23rd of February.

[Inaudible Interjections]

Deputy Chairman: To the words effect of what the Attorney General just read.

Mr. V. Arden McLean: Yes, the 13(2) for 13(2).

Deputy Chairman: 13(2)(a) and the next one is 13(2) and (3).

Mr. V. Arden McLean: 13(2)(a), I have, yes, but the question has to remain why was it not said before? Is the drafting a slip up on the Attorney General's or the drafting part? Was it not sent up to the Attorney General?

An Hon. Member: You are trying to smear.

Deputy Chairman: Okay, I think we need—

Mr. V. Arden McLean: I am not trying to smear anybody.

Deputy Chairman: I think we need to—

Mr. V. Arden McLean: I am trying to find out exactly what happened with this.

Hon. Samuel W. Bulgin, Attorney General: You know that it is my name that you want to smear. Go ahead.

Mr. V. Arden McLean: No, I am not smearing anyone, Mr. Chairman, and I take offense to him saying that. I am asking if it was overlooked by the Attorney General or was it not set up by the vellum copy. It is that simple. Who is being smeared in that? Nobody wants to admit or what?

[Inaudible Interjections]

Deputy Chairman: Colleagues, can we just move ahead now with these two amendments?

Mr. V. Arden McLean: No, Mr. Chairman.
Mr. Chairman, I will bow to your ruling.

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

Mr. V. Arden McLean: —but it appears... What do you mean thank you?

It appears like the Government thinks that everybody must cow toe and do as they please without any

explanation. That is not how this works. This is a democracy. This is not a dictatorship, and if you are bordering on that then we are going to need to know that.

[Inaudible Interjections]

Mr. V. Arden McLean: No, we will save it for—

Deputy Chairman: Please stop the crosstalk.

[Inaudible Interjections]

Deputy Chairman: Minister of Financial Services, would you please re-commit those two to the clause 13.

Hon. G. Wayne Panton: Mr. Chair, thank you very much sir.

Mr. Chair, under the relevant Standing Order 52 (1) and (2), I move an amendment to the Non-Profit Organisations Bill, 2016, for the record, that the Bill be amended in clause 13(2)(a) by inserting after the word “accountant”, the words “who, neither for profit nor reward, undertakes to perform the review”.

Deputy Chairman: The amendment has been duly moved.

Does any Member wish to speak thereto?

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES and Noes

Deputy Chairman: The Ayes have it.

Agreed: The Amendment passed.

Deputy Chairman: The question is that clause 13, as amended, stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clause 13, as amended, passed.

Deputy Chairman: Honourable Minister of Financial Services, clause 14 for recommitment.

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

Mr. Chair I move an amendment to clause 14 by deleting the words in—

Deputy Chairman: Honourable, I understand you need to recommit before you move the—

Hon. G. Wayne Panton: Mr. Chair, thank you very much. I am obliged.

I move a motion to recommit clause 14 of the Non-Profit Organisations Bill, 2016 in order to amend it.

Deputy Chairman: The question is that clause 14 be recommitted.

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

AYES.

Deputy Chairman: The Ayes have it.
Honourable Minister of Financial Services.

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

Mr. Chair, I move an amendment to amend clause 14 of the Bill by deleting the words “in accordance with section 13(2) and (3)” and substituting the words “in accordance with section 13(3)”.

Deputy Chairman: The question is that the amendment stands part of the clause.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: The Amendment passed.

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

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: The clause, as amended, passed.

[Inaudible Interjections]

Deputy Chairman: The question is that clauses 1 through 12 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 1 through 12 passed.

Deputy Chairman: The question is that clauses 15 through 24 do stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Clauses 15 through 24 passed.

Deputy Chairman: The question is the Schedule do stands part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: The Schedule passed.

The Clerk: A Bill for a Law to provide for the regulation of Non-Profit Organisations; and for incidental and connected purposes.

Deputy Chairman: The question is that the Title does stand part of the Bill.

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

AYES.

Deputy Chairman: The Ayes have it.

Agreed: Title passed.

Deputy Chairman: This Honourable Committee stands adjourned until 10:00 am tomorrow morning.

At 2:24 pm the [Committee] stood adjourned until Friday, 24 March, 2017 at 10 am.