



PARLIAMENT OF THE CAYMAN ISLANDS

OFFICIAL HANSARD REPORT

First Meeting of the 2020/2021 Session
Fifth Sitting

Friday
11 December, 2020
(Pages 1-37)

Hon. W. McKeeva Bush, OBE, JP, MP,
Speaker

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PRESENT WERE:

SPEAKER

Hon W. McKeeva Bush, OBE, JP, MP
Speaker of the Parliament

MINISTERS OF THE CABINET

Hon. Alden McLaughlin, MBE, JP, MP	<i>Premier</i> , Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs
Hon. Moses I. Kirkconnell, JP, MP	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon. Juliana Y. O'Connor-Connolly JP, MP	Minister of Education, Youth, Sports, Agriculture and Lands
Hon. Dwayne S. Seymour, JP, MP	Minister of Health, Environment, Culture and Housing
Hon. Roy M. McTaggart, JP, MP (Via Zoom)	Minister of Finance and Economic Development
Hon. Joseph X. Hew, JP, MP	Minister of Commerce, Planning and Infrastructure
Hon. Tara A. Rivers, JP, MP	Minister of Financial Services and Home Affairs

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

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

OPPOSITION MEMBERS

INDEPENDENT MEMBERS

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

**OFFICIAL HANSARD REPORT
FIRST MEETING 2020/21 SESSION
FRIDAY
11 DECEMBER 2020
11:04 AM
Fifth Sitting**

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

The Speaker: I call on the Honourable Minister of Financial Services to grace us with prayers.

PRAYERS

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs, Elected Member for West Bay South: Thank you Mr. Speaker.

Let us pray.

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

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

Let us say The Lord's Prayer together:

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

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

The Speaker: Please be seated.
Proceedings are resumed.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

The Speaker: Just to remind the House that our colleague, the Honourable Minister of Finance, is still meeting with us on Zoom, and apologies from the Honourable Deputy Governor for late arrival.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**MINISTRY OF INTERNATIONAL TRADE,
INVESTMENT, AVIATION AND MARITIME AFFAIRS
CAYMAN ISLANDS GOVERNMENT –
ANNUAL REPORT 2019**

The Speaker: The Honourable Premier.

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

I beg to lay on the Table of this honourable House the Cayman Islands Government Annual Report 2019 with respect to the Ministry of International Trade, Investment, Aviation and Maritime Affairs.

The Speaker: So ordered.
Is the Premier speaking?

The Premier, Hon. Alden McLaughlin: No thank you, Mr. Speaker.

**2016 - 2017 ANNUAL REPORT – MINISTRY OF
COMMUNITY AFFAIRS, YOUTH & SPORTS**

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker.

I beg to lay on the Table of his honourable House the 2016-2017 Annual Report for the Ministry of Community Affairs, Youth and Sports.

The Speaker: So ordered.

Is the Premier speaking?

The Premier, Hon. Alden McLaughlin: No thank you, Mr. Speaker.

**GOVERNMENT OF THE CAYMAN ISLANDS –
CHILDREN AND YOUTH SERVICES (CAYS) FOUNDATION – ANNUAL REPORT FOR THE YEAR
ENDED 31 DECEMBER 2019**

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker.

I beg to lay on the Table of this honourable House the Government of the Cayman Islands –Children and Youth Services (CAYS) Foundation – Annual Report for the year ended 31 December 2019.

The Speaker: So ordered.

Is the Premier speaking to this report?

The Premier, Hon. Alden McLaughlin: No thank you, Mr. Speaker.

**THE NATIONAL GALLERY OF THE CAYMAN
ISLANDS – ANNUAL REPORT AND ACCOUNTS,
31 DECEMBER 2017**

**FINANCIAL STATEMENTS OF THE NATIONAL
GALLERY OF THE CAYMAN ISLANDS FOR
THE PERIOD FROM JULY 1, 2016 TO
DECEMBER 31, 2017**

**THE NATIONAL GALLERY OF THE CAYMAN
ISLANDS – ANNUAL REPORT AND ACCOUNTS,
31 DECEMBER 2018**

**FINANCIAL STATEMENTS OF THE NATIONAL
GALLERY OF THE CAYMAN ISLANDS FOR THE
YEAR ENDED DECEMBER 31, 2018**

**THE NATIONAL GALLERY OF THE CAYMAN
ISLANDS – ANNUAL REPORT AND ACCOUNTS,
31 DECEMBER 2019**

The Speaker: The Honourable Minister of Health and Culture.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing, Elected Member for Bodden Town East: Good morning.

Thank you, Mr. Speaker. I beg leave of this honourable House to lay on the Table [the] National Gallery of the Cayman Islands Annual Report [and] Accounts, 31 December 2017.

The Speaker: So ordered.

Is the Minister speaking?

Hon. Dwayne S. Seymour: Mr. Speaker, I will speak after all the National Gallery's reports are laid.

The Speaker: Yes.

Hon. Dwayne S. Seymour: I beg leave to lay on the Table of this honourable House the Financial Statements of the National Gallery of the Cayman Islands for the period of July 1, 2016 to December 31, 2017.

The Speaker: So ordered.

Hon. Dwayne S. Seymour: I beg leave of this honourable House to lay on the Table the National Gallery of the Cayman Islands Annual Report and Accounts, 31 December 2018.

The Speaker: So ordered.

Hon. Dwayne S. Seymour: I beg leave to lay on the Table of this honourable House the Financial Statements of the National Gallery of the Cayman Islands for the year ended December 31, 2018.

The Speaker: So ordered.

Hon. Dwayne S. Seymour: I beg leave to lay on the Table of this honourable House the National Gallery of the Cayman Islands Annual Report and Accounts, 31 December 2019.

The Speaker: So ordered.

[Pause]

The Speaker: Honourable Minister, are you intending to speak at the end of this last Report or at the end of the next one — National Trust Cayman Islands Annual Report.

Hon. Dwayne S. Seymour: I intend to do two statements. One for the National Gallery and one for National Trust.

The Speaker: So you want to go at the National Gallery now?

Hon. Dwayne S. Seymour: Yes.

The Speaker: Proceed.

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

Mr. Speaker the Gallery was established in accordance with the National Gallery Law on 23rd April, 1999. Prior to this date the Gallery functioned as an unincorporated entity. The Gallery, through its management board, acquires artworks and collects materials to be held in trust for the purpose of preserving them for posterity and promoting their usefulness in the development of arts, exhibition, research and education for the public benefit. The Gallery is committed to providing innovative, creative programming and a multi-disciplinary approach to the presentation, interpretation and collection of the artistic expressions of our times. The Gallery also promotes and encourages the awareness, appreciation and practice of the visual arts in the Cayman Islands through organising and maintaining permanent and temporary public exhibitions of works of art.

The Gallery is housed in a 9,000 square foot purpose built museum facility with three exhibition galleries and an art studio, library and auditorium, art café, a gift shop and gardens that host temporary exhibitions by local and international artists, monthly workshops and lectures along with a variety of annual festivals, film screenings, art events and private functions. The central location which has free admission for both local and international audiences provides a stimulating environment for learning about Cayman's unique cultural history and contemporary arts.

Since opening its doors to the new site in 2012 the Gallery has:

- Welcomed over 110,000 visitors to this facility with free admission to all visitors;
- Hosted over 5,500 school students on tours at no cost to schools;
- held over 5,250 education and outreach classes;
- Mounted over 60 exhibitions, 90 per cent of which featured local artists;
- Increased the national art collection by 125 per cent by securing 150 new works of national significance;
- Been the recipient of a top employer award for four years;
- Hosted two international conferences and significantly increased visibility for the Cayman Islands art globally;
- Awarded eight undergraduate scholarships; thirteen yearlong paid internships via its creative careers programme, in addition to reaching hundreds of students through work experience and career development in arts;
- Featured a permanent display area for the national arts collection; and
- Hosted regular satellite exhibitions in venues on the Sister Islands including Brac Reef Hotel on Cayman Brac and at the Little Cayman Museum.

Mr. Speaker, 2019 marked the National Gallery's seventh year in its purpose built home on the Esterley Tibbetts Highway. The facility attracted some 25,000 visitors, local and international, to the central site and another 9,000 to our satellite venues. The Gallery staff continues to provide innovative exhibitions and unparalleled visual art education programmes for the entire community. As of the 31st December, 2019 there were 10 employees at the Gallery; [and] for the fiscal years ended the 31st December, 2018 and 31st December 2017 there were seven and eight employees respectively.

Speaking to the 2019 Report, the Auditor General conducted the audit of the Gallery's accounts in accordance with the International Standards on Auditing and has indicated that the accompanying financial statements present fairly, in all material respects, the financial position of the Gallery as at 31 December 2019, and its financial performance and its cash flows for the year ended 31 December 2019 in accordance with International Public Sector Accounting Standards.

The Statement of Financial Performance shows that for the year ended 31st December, 2019, the total revenues of \$1,236,437 [were] up from \$1,096,275 as at 31st December, 2018. These included a government grant of \$586,000 which equated to 47 per cent of the Gallery's annual budget. Included in the total revenue were membership fees of \$20,274, down slightly from \$23,021 in 2018. Total expenditure for the year 31st December, 2019, was \$1,334,627, up from \$1,136,240 a year prior. The result was a net loss for the year of \$98,190, and for the year ended 2018 the loss was \$39,965.

The Statement of Financial Position shows that for the year ending 31st December, 2019, assets decreased over the previous reporting period. The Gallery's fixed assets amounted to \$2,537,442, slightly down from \$2,615,978 (*sic*) in 2018. Current assets were \$319,814 [in 2019], and in 2018 were \$390,596; [resulting in] total assets of \$2,857,256 [in 2019], and \$3,006,571 in 2018. The current liabilities were \$167,101 and \$218,226 for 2019 and 2018 respectively. Total assets less current liabilities equated to \$2,690,155 and \$2,788,345 in fund balances as at 31st December, 2019 and 2018 respectively.

The Auditor General issued an unqualified opinion on the audited financial statements for the National Gallery for the fiscal years ended 31st December 2018 and 2019.

In closing, I would like to thank the staff at the Gallery, my Ministry staff, as well as the Auditor General's Office for their respective roles in enabling the tabling of these Annual Reports and the audited Financial Statements. I now commend these Reports to this honourable House and invite members of the public to review them for further details.

Thank you, Mr. Speaker.

NATIONAL TRUST CAYMAN ISLANDS ANNUAL REPORT 2019-2020

The Speaker: The Honourable Minister of Health and Environment.

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

I beg leave to lay on the Table of this honourable House the National Trust Cayman Islands Report 2019-2020.

The Speaker: So ordered.

Is the Minister speaking to that Report?

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

The National Trust of the Cayman Islands, "the Trust", was formed on September 14th, 1987 by the enactment of the National Trust for the Cayman Islands Law, 1987, the "Trust Law". The purpose of the Trust was the preservation of historic, natural and maritime heritage of the Cayman Islands, the conservation of lands, natural features and submarine areas of beauty with historic or environmental importance and the protection of native flora and fauna. The Trust plays a vital role in assisting the Cayman Islands Government in meeting its international and domestic obligations under various treaties and conventions required [for] the establishment and maintenance of a system of protected areas in order to safe guard the country's biodiversity. The Trust has been responsible for the majority of the progress in the area of terrestrial conservation over the last decade. The substantial contribution the Trust makes would otherwise fall on Government and perhaps some considerable costs.

The Trust, like many organisations, experienced a busy and challenging year with programmes and fundraising interruptions by COVID-19. I wish to highlight a few points for the year.

During the year the Trust added additional parcels of land to protected status. The first was a 0.32-acre parcel, referred to by all as Sylvia's Reef in Cayman Brac which was a generous legacy donation. The second parcel, situated in the Salina Reserve was purchased in 2019 by the Rainforest Trust in partnership with the Royal Society for the Protection of Birds (RSPB), and subsequently leased in perpetuity to the National Trust of the Cayman Islands. The 9.5-acre property adjoins the National Trust Salina Reserve land and increases the Trust's foothold in the area of 656 acres.

The Land Reserve Fund launched in 2010, with the goal of acquiring designated high-priority environmental areas for protection under the National Trust Law. The land purchased through this programme is deemed ecologically important as it is often under threat of rapid urban development. The Mastic Reserve and the Salina Reserve are two key environmental sites which have been largely acquired through the Land Reserve Fund.

One of the biggest successes of the year was the partnership between the Trust's Historic Programme and the Ministry of Culture which resulted in the relocation of the historic Clayton Nixon house from George Town to the Mission House site in Bodden Town. The traditional Caymanian home which was located on Goring Avenue, across the street from the Citrus Gove building in George Town, is not only a reminder of the past but also a testament to the soundness of craftsmanship and ingenuity of the Caymanian people. Built in the 1800s the home is said to have been owned by the son of a former slave.

Despite a difficult year the net income for the Trust saw a 41 per cent increase from the previous year due to careful management of finances. Cash balances increased by \$119,365 during the year. Unfortunately, the COVID-19 lockdown negatively affected their income streams as it impacted during peak tourism session. For example, the Blue Iguana Tour income was down 30 per cent from last year to \$32,605. Membership income remained roughly in line with that of the previous year; corporate memberships were \$30,500 and general memberships \$22,256. Also, despite best efforts during the pandemic, fundraising was down 49 per cent compared to the previous year. This decrease was largely represented by the cancelation of the Little Cayman Easter Auction which is a key district fundraising event. The expenditure overall was down 9.8 per cent on the year. Tight control was exerted across all expenditure in response to the pandemic; 43 per cent of the annual programme expenditure was focused on environmental conservation which includes the Blue Iguana Conservation Programme.

Finally, I wish to take this opportunity to thank the board and management of the Trust along with many volunteers, community sponsors and partners who contribute there invaluable services and contributions to the mission of the Trust that the unique history and nature of the Cayman Islands are kept alive forever.

I invite Members of this honourable House and the public to review this report in further detail.

I thank you, Mr. Speaker.

2018 - 2019 ANNUAL REPORT OF THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE OMBUDSMAN

The Speaker: The Honourable Minister of Financial Services.

Hon. Tara A. Rivers: Thank you, Mr. Speaker.

I beg to lay on the Table of this honourable House the 2018 - 2019 Annual Report of the Standing Select Committee to oversee the performance of the Office of the Ombudsman.

The Speaker: So ordered.

Is the Minister speaking?

Hon. Tara A. Rivers: No thank you, Mr. Speaker.

**COMMISSION FOR STANDARDS IN PUBLIC LIFE –
THE NINETEENTH REPORT OF THE COMMISSION
FOR STANDARDS IN PUBLIC LIFE FOR THE
PERIOD OF 1 FEBRUARY 2020 TO 31 JULY 2020**

The Speaker: Honourable Attorney General (AG).

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

Mr. Speaker, I again apologise for the late arrival of the Honourable Deputy Governor. In his stead, I seek to lay on the Table of this House the 19th Report of the Commission for Standards in Public Life for the period 1st February, 2020 to 31st July, 2020.

The Speaker: So ordered.

Is the AG going to speak?

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, just briefly highlighting a couple of paragraphs in the Report itself.

The Commission for Standards in Public Life was established as an institution supporting democracy under the Cayman Islands Constitution Order 2009. Its introduction reinforced the need to have regard to ethics and transparency as important elements of a democratic society and the necessary protection of the rights and freedoms of the people in the Cayman Islands.

With its mandates as set out in section 117(9) of the Cayman Islands Constitution Order 2009, the first Commission was appointed in January 2010. The first Commission was very ably chaired by Mrs. Karin Thompson, MBE, whose accomplishments, among other things, include the introduction of the Standards in Public Life Law, 2014.

The Commission is mandated under section 119 (*sic*) of the Constitution “**to report to the Legislative Assembly at regular intervals, and at least every six months**”.

Chairperson Rosie Whittaker-Myles and member Sheenah Hislop were appointed to the Commission on 1st February, 2015 for a period of four years. At the request of His Excellency the Governor both extended their tenures until the 31st March, 2020, and then again until the 30th September, 2020. Member Isatou Smith was appointed following the resignation of Pastor Shian O'Connor, so he could pursue educational advancements. His appointment was November 2018 for a period of four years.

The Reports of the Commission headed by the current Chairman, that is, report numbers 9 through 18, detail various tasks undertaken by this Commission and its accomplishments in each respect. These Reports are also available on the Commission's website.

In this Report, the Commission will outline the progress made and the key issues arising from the work completed by the Commission over the period 1st February, 2020 to 31st July, 2020.

During the current reporting period, Members have finalised the Commission's eighteenth report which is now available on the Commission's website. They also agreed to the drafting and content of the instructions necessary to accompany the Standards in Public Life (SPL) Law regulations and for the completion and submission of declarations. They dealt with and issued a guide to the SPL Law and regulations to assist persons with understanding the provisions contained in each.

The Report is broken down into sections dealing with meetings and administrative matters, standards in the legislation, procurement, register of interest, code of conduct, conflict of interest, education and public relations, and complaints.

I think we owe thanks to the commissioners and commission secretariat. As I mentioned, Ms. Rosie Whittaker-Myles is transitioning out as chairperson and we understandably would want to record our gratitude to her for her stewardship of the Commission over these many years.

I would commend this Report to honourable Members and members of the public in general.

I thank you, sir.

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

The Speaker: There are no questions.

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

The Speaker: I have some statements: first from the Deputy Premier and then the Honourable Minister of Education.

**Hon. Deputy Premier, Minister of District
Administration, Tourism and Transport**

Update on Tourism Stipend Programme

**Hon. Moses I. Kirkconnell, Deputy Premier, Minister
of District Administration, Tourism and Transport,
Elected Member for Cayman Brac West and Little
Cayman:** Thank you, Mr. Speaker.

Mr. Speaker, 2020 has been a difficult year on many levels, particularly for those who rely on tourists for their income. As long as our borders remain closed and the flights to our shores are limited to repatriation purposes only, the ability to make a living from tourism has been reduced.

With the agreement of my colleagues in Caucus and Cabinet, the Ministry of Tourism initially funded stipends of \$600 in April when it was still unclear how long the pandemic would actually last. The Ministry then funded payments of \$1,000 per month as the pandemic continued. The stipend programme was extended further in September 2020. Displaced workers who had no other means of income were encouraged to register, and the number of verified participants, as expected, increased. In mid-October, during the last Finance Committee proceedings, supplementary funding in the amount of \$9 million was approved to continue the programme for three more months—from October through the end of this year.

Today, I am pleased to confirm that the stipend payments for December were processed on the 10th December. For the 2,889 recipients these should be in their accounts today. I trust that the assistance will help ensure that Christmas is brighter for our tourism workers and will ease some of the pressure being felt due to the absence of visitors to our shores.

From March 2020 to date, Government has granted over \$15.6 million to the tourism stipend programme to help bridge the gap of our workers until tourism can resume. I am proud to be part of a Government that had the foresight and determination to put funds aside for a rainy day, and most importantly, is using those savings to provide a direct benefit to its people when it is needed. Since we are not yet at the stage where we can safely re-open our borders to tourists I am pleased, I am very pleased, to confirm that the Ministry will be extending the stipend payments for an additional six months from January to June 2021, which we estimate will be another \$18 million dollars based on the number registered.

I am personally thankful to colleagues in my Government who have, from the beginning of this pandemic, continued to support the Ministry's effort to assist our tourism workers through the stipend programme. Here in Cayman we are blessed to be living in a relatively safe bubble, going about our business as normal, due to the immediate severe action taken by this Government in the early days of the crisis to protect our citizens.

Beyond our borders it is a very different story. As we speak many of our source market cities are re-entering lockdowns or renewing restrictions to try and curtail the virus' spread. This paints a bleak picture in terms of when we will likely be able to bring back tourism, but there is good reason on the horizon to be optimistic. Yesterday, the Honourable Premier announced Cabinet's approval of our National COVID-19 Vaccination Plan. He confirmed that our first supplies of vaccines are expected to arrive on Island in early January 2021. The ability to immunise against this highly contagious virus is a game changing equaliser that the world has been waiting for.

Moreover, having a vaccine will allow us to take the first step towards safely rebuilding our tourism industry. The reassuring news will help to pave the way for our borders to safely reopen and visitors to return to our shores restoring gainful employment to thousands of Caymanians. I know that there are many within the tourism and hospitality sectors who work hard to provide the CaymanKind experience to our visitors. Our success is always built on the human capital of our Caymanian workers. They are looking forward to getting back to work. In the meantime, while the processes under the National COVID-19 Vaccination Plan are being implemented, this Government will continue doing everything possible to support our tourism industry workers.

Thank you, Mr. Speaker.

The Speaker: The Honourable Minister of Education.

Hon. Minister of Education, Youth, Sports, Agriculture and Lands

Supplementary Appropriations initiated by the Ministry of Education, Youth, Sports, Agriculture and Lands for 2020

Hon. Juliana Y. O'Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands, Elected Member for Cayman Brac East: Morning.

Thank you, Mr. Speaker, for allowing me this opportunity to bring to the attention of this honourable House the exceptional circumstances appropriation changes which have resulted in the Supplementary Appropriations initiated by the Ministry of Education, Youth, Sports, Agriculture and Lands for 2020.

Cabinet was asked and indeed considered the following requests for reallocation within the Ministry of Education, Youth, Sports, Agriculture and Lands appropriation lines so as to satisfy the 2020 expenditure needs as follows:

Decommissioning of the Youth Commission

The decision was taken to dissolve the National Youth Commission and transfer its functions and funding to the Youth Services Unit and the Ministry of Youth. The result of this was a reduction of \$95,275 in NGS 59 - Youth Development Programmes, and a corresponding increase in EGA 18 - Youth Services, by \$60,000; and an increase in EGA 1 - Policy Advice, Governance and Ministerial Support Services, by \$33,275 (*sic*).

COVID-19 Recovery Assistance Related Transfer of Funding

Internet Services for those in need: There was an initiative to assist 170 households who were in need of additional internet services or expansion of bandwidth.

This issue was highlighted during the lockdown and various school closures.

As a result of this, \$21,750 was transferred to EI 12 - Capital, for the purchase of 145 LTE modem devices, to assist with internet provision; [and] \$81,600 was transferred to EGA 8 - Facilities Maintenance and Operational School Support Services, for the purchase of 170 4G LTE 12mb internet plans. The modems and associated plans will be provided to the identified households to allow students to have connectivity for education-related content. This is particularly critical should schools have to revert to a period of remote teaching and learning.

COVID-19 related funds for Early Childhood Care and Education Centres (Educational Institutions): Based on feedback from stakeholders there was the establishment of a special one-time COVID support grant for Early Childhood Care and Education Centres based on need. TP 27 - Pre-School Educational Assistance was increased by \$500,000 for this purpose. Funds were transferred from EA 4 - Land Purchase for this purpose as there were savings in relation to the budget allocated for the purchase of land related to the Early Intervention Programme. An advisory committee has been established to oversee these special grants. Early Childhood Care and Education Centres which require financial assistance as a result of the impact of COVID-19, are required to apply for consideration.

Early Childhood Care Education Centres/Institutions that need financial assistance are required to provide specific information in order to inform and validate the grant process.

The Ministry would also like to particularly thank the private sector who also donated computers for this very necessary need in education.

Grants to operational providers — Youth and Sports Services: NGS 60 - Sports Programme funding, \$700,000 was brought forward from 2021 to the 2020 budget. These funds were further transferred to TP 98 - Youth and Sports Services – COVID Response and Recovery for strengthening the financial foundation and supporting the viability of each of the focus sports by increasing their funding to \$150,000 annually. This increase to the National Sports Associations governing: athletics, aquatic sports, basketball, cricket, netball, squash, volleyball and football resulted in an annual increase in annual sports funding of \$787,925 for 2020. This increase is being funded by bringing forward \$700,000 from the 2021 sports allocation under NGS 60.

A transfer of \$87,925 in funding from TP 72 - Other Sports and Youth Programme Assistance to TP 98 - Youth and Sports Services – COVID Response and Recovery was also done, to fund the balance required for 2020.

Mr. Speaker, thank you for allowing me to explain the exceptional circumstances which have resulted in the Supplementary Appropriations initiated by the Ministry of Education, Youth, Sports, Agriculture and Lands for the year 2020.

The Speaker: The Member for Bodden Town West.

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

I rise to ask a question of the Honourable Minister under Standing Order 30(2).

The Speaker: Permitted.

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

Firstly, I want to thank the Minister in terms of helping the early childhood education. I think that is actually pretty good for the preschools.

Just out of curiosity, Mr. Speaker, is any of this funding available for pre-schools because I know some are still struggling and, if so, what is the process for schools to access funds if funds are still available?

Thank you.

The Speaker: Minister of Education.

Hon. Juliana O'Connor-Connolly: Thank you, Mr. Speaker and thanks to the honourable Member for the question.

The early childhood education includes the preschools. They are invited to apply, and if the Honourable Minister and/or other Ministers and Members of Government have not yet seen or received a form we are more than happy to supply, so that you can put in your respective MLA offices for distribution.

Statement on Increased Sports Funding

The Speaker: The Minister of Education.

Hon. Juliana Y. O'Connor-Connolly: Once again, thank you, Mr. Speaker.

I am pleased, once again, that with the support of my colleagues in Cabinet and the Coalition Government, I am able to announce an increase in funding to six focus sports in the Cayman Islands and an addition of two sporting disciplines to the list for the increased focus and support by the Government.

This funding will allow each association to meet their obligations to their international parent body, as well as the requirements of the Ministry policy while at the same time providing them with a strong foundation to support their sport and be better able to provide leagues, competitions, and development programmes catering from children to adults throughout the Long Term Athlete Development spectrum. I believe that with

the strengthened governance of the sport by the National Sports Associations (NSAs) this level of funding would yield results with increased participation, better international performances and ultimately yield a healthier society where sports and physical activity become cemented as a part of our culture.

Each sport designated for focus and increased support by the Government will now receive \$150,000 per annum in funding from the Ministry starting the financial year 2020. The sporting disciplines affected are as follows:

1. Athletics
2. Basketball
3. Netball
4. Swimming
5. Football
6. Cricket
7. Volleyball
8. Squash

The funding to each of these will be increased from its current levels to the \$150,000 and will indeed result in an increase to sports in the amount of \$787,925.

Focus Sport	Government Budget Allocation 2020	Funds required to meet the proposed \$150,000 per annum
CI Aquatic Sports Association	\$71,725	\$78,275
CI Athletic Association	\$71,725	\$78,275
CI Basketball Association	\$71,725	\$78,275
CI Cricket Association	\$71,725	\$78,275
CI Netball Association	\$90,175	\$59,825
CI Squash Association*	\$10,000	\$140,000
CI Volleyball Federation*	\$25,000	\$125,000
CI Football Association	\$0	\$150,000

*The Squash Association and the Volleyball Federations are two new focus sports.

Each sporting discipline is governed by a National Association which is, in turn, a member of an international governing body or federation (IF). The Government only recognises one NSA per sporting discipline in line with international practice.

The Ministry is indeed cognisant of the challenges faced by the NSAs with fundraising locally in a COVID-19 environment while recognising the benefits that sporting activities can bring to assist the stress

management, normalising of the community and improving wellness in such an environment.

As I said, the Government traditionally recognised six focus sports; however, we felt the need and the time was here to recognise two additional ones. Indeed, the Government added focus on the two sporting disciplines, with increased funding, to support their continued development for the following reasons:

1. Volleyball:

- Its ability as a recreational sport to promote physical activity and build community cohesion especially in light of the low cost of participation therein.
- Its ability through junior leagues to develop national team representatives for regional competition.
- The high cost to obtain international competition for the growth of team sports.
- The ability to develop sports tourism opportunities by way of hosting regional competitions as has been done with the FIVB [International Volleyball Federation] World Championship qualification tournaments for male and females held at the Clifton Hunter High School in Frank Sound, North Side.
- The exposure and additional sports tourism benefits created by the beach volleyball component of the sport as shown by Cayman's participation in and hosting of the annual NORCECA circuit.
- The Cayman Islands Volleyball Federation (CIVF) has distributed three volleyball sports courts into the community for development of grassroots volleyball programmes: Lion's Centre - two courts and First Baptist Gym - one court. The Federation also has the opportunity, through the NORCECA Development Programme, to receive additional volleyball courts.
- Beach volleyball national teams have performed well at the NatWest Island Games garnering gold and silver medals for the female and male team respectively.
- The CIVF President has also been building strong relationships with the regional governing body which bodes well for the local development of the sport.

2. Squash:

- To facilitate widening access of the sport in the schools and the community.
- Cayman has struggled to advance internationally in large team sports due in part to the size of the population and cost associated with obtaining adequate competition overseas. Squash as an individual sport (now offering competition in teams of two)

has the proven ability to allow for higher attainment both regionally and globally. Squash has recently been selected for the Pan Am Junior Championships in 2021 in Columbia.

- The Cayman Islands have been a regional powerhouse in Squash for many years, producing a number of Caribbean Champions from Dean Knight to Cathryn Tyler to Chantelle Day to Jace and Julian Jervis among others. Cayman has also garnered gold and other medals in squash at the Island Games.
- The Squash Association uses private facilities that it must rent to facilitate the sport.
- Cayman has been host to a number of championships over the years bringing in solid tourism dollars with tournaments such as: the Caribbean Junior and Senior Championships, the Cayman Open Squash Tournament, and the Pan American Squash Championships in 2018.

Mr. Speaker, seven of the eight sports mentioned above were funded through Purchase Agreements for the 2020/2021 financial years. Funding to the governing body of the sixth traditional focus sport, the Cayman Islands Football Association (CIFA), was discontinued by the Cabinet several years ago at about the time of the CONCACAF/FIFA scandal involving several local football officials. The Ministry will resume funding to CIFA as part of this initiative to strengthen the financial foundation of this focus sport and promote its development and recovery.

I have met with the CIFA executive and was impressed with the steps they have taken to strengthen the governance of CIFA including undertaking three separate audits on an annual basis. The sport continues to grow from strength to strength, and prior to COVID, there were female leagues from Under 11s to Under 18s in addition to the Senior League. Similarly with the boys, from Under 11s to Senior and Master Leagues. CIFA has confirmed that we can expect to see increased international competition as part of the development of our national teams.

Several years ago, the Technical Directors of the focus sports who were then hired by the Department of Sports to develop each sport were transferred to the NSAs along with the necessary funding. Where there was no Technical Director at the Department, funding was allocated so that the NSA could hire a Technical Director. It is therefore a requirement that each focus sport has in place a Technical Director.

The governance documents of each of the focus sports, which are, the Constitution or Memorandum and Articles of Association, require them to present annual audited accounts.

Under the Ministry's reporting policy, each sport association receiving more than \$50,000 per annum is also required to submit audited financial accounts.

Several NSAs have represented to the Ministry that the requirements to hire a Technical Director and prepare audited annual accounts was proving difficult for them to achieve with their current revenue streams including the Government grants and further funds which they were able to raise from the private sector and through fundraising efforts.

Mr. Speaker, the Ministry suspended several NSAs from funding due to inability to submit audited financial statements and for not providing a Technical Director.

A broad break down of the \$150,000 annual funding is as follows: \$75,000 to go toward hiring a Technical Director for the focus sports, \$15,000 towards the completion of the annual audited accounts, \$60,000 towards other programming (other than a Technical Director).

As a part of the increased funding, each NSA will be required to submit updated development plans supported by this funding, bring themselves compliant with their outstanding audits and the hiring of technical directors to lead the development of each sport.

Thank you, Mr. Speaker.

The Speaker: Member for North Side.

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

Mr. Speaker, in accordance with Standing Order 30(2), I wish to ask the Minister of Education a question.

The Speaker: Permitted.

Mr. D. Ezzard Miller: Can the Minister confirm whether this increased funding to these national sporting organisations carries any directive or requirement from the Government for expansion to the eastern districts, particularly through providing coaches for early development?

The Speaker: Honourable Minister.

[Pause]

Hon. Juliana Y. O'Connor-Connolly: Thank you for your indulgence Mr. Speaker, I just wanted to clarify what obtained in the eastern districts.

I am reliably informed that there is football currently in the eastern districts. However, because they are indeed focus sports, the agreements that they sign are for the provision of *national programming*, and thus, they should be providing for the eastern districts. If the honourable Member for North Side would indicate whether or not that is happening, I would ask the member in the Ministry to ensure that it is happening now that they have funding in place.

The Speaker: The Member for North Side.

Mr. D. Ezzard Miller: To the best of my knowledge most of the coaching provided for East End and North Side is on some kind of shared relationship between the North Side Primary School and the East End Primary School.

I am not aware of any of these national associations that have any programming, although there is a football field in North Side and one in East End, but I have no evidence that they have been recruiting people for the courses. For instance, at the Edna Moyle Primary School there is a hard surface court on which, as far as I am aware, only netball is being taught now and it should be able to allow for basketball and volleyball to be played on that same court. I would appreciate if the Minister would investigate those.

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

Mr. Speaker, the request has been duly noted, the relevant staff is here and I have every confidence that they will be transferred to the National Sports Associations.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

SECOND READING

LEGAL SERVICES BILL, 2020

[Continuation of debate thereof]

The Speaker: A Bill for a law to repeal and replace the Legal Practitioners Law (2015 Revision); to regulate the practice of Cayman Islands Law; to provide for a system of legal education; to provide for a mechanism to deal with professional misconduct; and for incidental and connected purposes.

The debate continues. Does any other Member wish to speak? *[Pause]*

The Parliamentary Secretary, the Member for Prospect.

Mr. Austin O. Harris, Jr., Elected Member for Prospect: Thank you, Mr. Speaker.

I rise to offer my contribution to the Legal Services Bill, 2020. Some Members have taken the time to go through each individual clause and, having received a committee stage amendment that proffers some 76 amendments yesterday, it looks like we will have an opportunity to go through those clauses again. For my part, I will try to focus more exclusively on what I perceive to be and what representation has been made to me on what we see as the three or four more contentious aspects of the Bill.

Two out of the four aspects have already been raised by honourable Members in this Parliament, and therefore I will not seek to be repetitive, but I will just make a few brief observations in that regard. I have already whittled down my original contribution significantly in an attempt to save time.

Mr. Speaker, I would also like to disclose that in my preparations for this debate I first consulted with my constituents, specifically those who are attorneys—that includes those who work for the small, medium and large firms, and those who are either sole practitioners or engaged in partnerships. I have also had the benefit of a presentation from CILPA, the Cayman Islands Legal Practitioners Association, and ALPA, the Association of Legal Professionals and Advocates (Cayman) Ltd.

As I am not an attorney, I do not speak to this Bill from the aspect of personal experience, but instead from representations made to me by my constituents with the guidance and assistance of attorneys, both those who make up this coalition Government, from the Front bench in particular and, most notably, the ex officio Honourable Attorney General. I thank him and his staff for the time taken and again, for the guidance offered.

For the most part, this Bill, as has been stated before, enjoys, perhaps for the first time, broad industry support, particularly from CILPA, who represents approximately 685 to 700 lawyers or attorneys. Unfortunately, the same cannot be said for ALPA, who, despite agreeing that the jurisdiction needs a modern legal framework that protects the industry both locally and globally, and, in particular, seeks to protect Caymanians in that industry—and while some of their members even welcome this Bill—the majority believe that the Bill does not go far enough.

It is noteworthy to mention that to date, ALPA, unlike CILPA, represents 21 attorneys. It is certainly not a broad majority by any stretch; however, I will note that these 21, I understand, are all Caymanians, whereas CILPA's membership consists of both work permit holders and Caymanian attorneys. I make this point because I think therein lies the challenge to ourselves, as legislators, given that we are elected by Caymanians to serve the best interest of Caymanians, regardless of their number, and as such, we have a responsibility to

take all views into consideration before making a judgement call on what action to take, what legislation to support, and so on. With that said, let me begin my contributions specifically to the Bill itself.

The first contentious clause is clause 33 which deals with the matter of post-qualification experience (PQE) required for lawyers, particularly foreign lawyers, to practise in the Cayman Islands. Now, I believe this point was very well ventilated by both the Member for Newlands and the Member for George Town Central, and again, I do not wish to be repetitive, but I will make a few brief observations in this regard.

Mr. Speaker, it is amazing what a difference four years can make. In 2016, the last time honourable Members gathered in this place to debate what was then called the Legal Practitioners Bill, the general consensus among many young Caymanian attorneys was that three years' PQE, simply wasn't sufficient. Many Caymanians, particularly those working in the larger firms, felt that far too many foreign attorneys were being admitted and hired, most working in either fiduciary or fund administration duties, and were displacing Caymanian opportunities to achieve upward mobility.

Fast forward four years later, today, while legislators like myself, and this unity Government, have now embraced the five-year PQE requirement as is outlined in this Bill, many of those same young Caymanian attorneys are now suggesting that, well, in retrospect three years' PQE actually was the best threshold instead of five. Again, what a difference four years can make. It causes me to wonder—if I may digress for a moment—about some of the positions that are being proposed and supported in the public domain today with a hard line in the sand being drawn, and I ask myself if those positions will be the same or remain true four years hence, but I suppose this is what Voltaire meant when he wrote that: **“Opinions have caused more ills than the plague or earthquakes on this little globe of ours”**, but I digress.

On the one hand, and certainly from the Government prospective, placing the requirement of five years post-qualification experience on foreign lawyers, admittedly may in fact make it harder for firms to recruit foreign attorneys because those attorneys, after five years of post-qualification experience, may have either developed certain loyalties for their home firms or perhaps, more importantly, have already been identified on a partnership track and are therefore less likely to accept an offer to work in the Cayman Islands regardless of how nice the weather is. In so doing, thereby requiring firms to look inward, and in the direction specifically of Caymanians within their own firms, to benefit from training and development. Again, the Government taking the view following or based on representations that greater protections for Caymanians were necessary as part of the Bill.

On the other hand, there is a train of thought that suggests the move to five years instead of three years deprives the young Caymanian associate, the

benefit of the professional development that they gain from the more global experience of their foreign counterpart. The simple reality to this is that we all learn from each other and I look at myself as an example. In this place, in the last three plus years, I have written one manual on the duties of the Whip. That manual has been read by a total number of persons, including myself, of two.

I say that to say, that whilst manuals are important, perhaps for the future, for others to read and follow, but in most cases, certainly in my experience nine times out of ten, I have learnt more about how to do my job from the simple engagement with honourable Members who make up this Parliament. Either from their years of experience, first-hand experience as well as recommendations on how the job itself can be made better. The same is true in the legal profession, and whether you like it or not, whether you choose to accept it or not, when firms bring in foreign attorneys they do benefit the young Caymanian associate simply by interaction on a day-to-day basis on the job.

This COVID-19 pandemic has highlighted a unique experience that sees many persons working from home or telecommuting as the case may be. Whilst I believe that there is a significant benefit in telecommuting, particularly to reducing the strain on our roads and morning traffic, the drawback is that many people have now grown comfortable working from home and do not want to go into the office, and the absence of that interaction in the office creates challenges for training opportunities that young Caymanians can, in fact, benefit from.

The other issue with the move towards five years PQE from three, is that it become cost prohibitive for smaller firms who do not have the deep pockets of the larger firms when it comes to recruiting overseas talent. Again, as I understand it, the remuneration or wage package for an attorney with three years post-qualification experience as compared to an attorney with five years post-qualification experience is day and night, and quite significant. Furthermore, for those who do accept the offer to work in the Cayman Islands, in addition to being compensated at higher levels based again on their years of qualified experience, many will be expecting, and it perhaps may have been part of their incentive package to bring them to the Cayman Islands, the promise that they, too, will be on the partnership track which puts them, the foreign attorneys that is, by virtue of their years qualified, at least two years ahead of their Caymanian counterparts.

The good news is that at present there is no codified post-qualification experience requirement in any law. Firms are still recruiting and Caymanians are still being given opportunities as a result, and I will be so bold as to say that Caymanians are getting perhaps even more opportunities today in legal services than ever before. Thus, the question is: should we stick with three-year PQE for the reasons outlined, or do we believe that five years is still a better option? Honestly,

when the Government began this exercise of looking at the Legal Services Bill, I believe going as far back as July 2019, I was convinced that five years was the better of the two options, but in truth and in fact, today, with the representation that has been received, I am really not sure. As such, however, I welcome the debate on this point and would accept a committee stage amendment if one is deemed necessary.

My goal, throughout these talks by the coalition Government in bringing a Bill to this honourable House has been the same: that we must ensure that there is a level playing field for our Caymanian attorneys while also ensuring the jurisdiction remains competitive in the marketplace.

On the question of upward mobility, whether it is three years or five years, this policy is, in my view, buttressed by the business staffing plan requirement on the immigration side. Therefore, firms still have the requirement to identify suitable Caymanians for upward mobility whether that be in opportunities for articling, professional development, and yes, even partnership. As such, in my mind, this whole issue of PQE three or five years is more of an immigration policy than it is a question of regulation for the legal industry.

That being said, the Bill also makes a provision for a legal services board, which I understand as a result of the committee stage amendments this will be changed to, I think, an authority—

[Inaudible interjection]

Mr. Austin O. Harris, Jr.: A council, forgive me.

A council whose duties include supervising legal education and practical legal training leading to local qualification. Therefore, I think [through] the requirement of the business staffing plan, combined with the oversight of the legal services board or council, Caymanians can better expect to receive protection under this Bill than in any other version of the legislation either previously proposed, or presently in existence.

The second contentious issue on this Bill, as has been represented to me, can be found in the makeup of the Legal Services Board or Council. Some in my constituency have questioned the inclusion of both the Chief Justice and the Attorney General. This point was well ventilated by the Member for George Town Central, so again, I will not go too far into it other than to accept and to say what has been the general Government's response. Propose an alternative solution, give the Government alternatives to the Chief Justice and the Attorney General, and your proposal, I believe, will be considered.

The simple reality, and why we find ourselves in this position is that the two local industry bodies, who would otherwise be charged with self-regulating their own industry similar to accountants in other areas—these two bodies, made up of mature, professional men and women—either can't or won't break bread with the

other. Certainly, the Government's belief is that this issue has languished long enough to allow it to simply die on the vine because otherwise mature professionals refuse to break bread together. It is simply not good enough and it is simply not an option.

Again, it may not be a perfect Bill, but it is better than what presently obtains and if any Member has alternatives to the makeup of this Board then we welcome those suggestions, but certainly, from my part, I am satisfied with the makeup of the current Board and believe it is sufficient. However, I also recognise, as the Premier mentioned in his contribution, that there will also be certain committee stage amendments that will ensure fair representation. Specifically, I think the requirement to allow representation selected by both the Honourable Premier and the Honourable Leader of the Opposition, after consultation with bodies representing the legal profession, is totally appropriate.

It gives the legislative or Parliament, a voice in the room, while also ensuring fairness that all sides will be represented in the decision making whether a small or large firm, so even though the two sides of mature professionals will not come together, the Government has taken it upon itself to go the extra mile to go to them to find suitable and acceptable representation. Again, Mr. Speaker, from a standpoint of offering fairness and effectiveness to all.

The third point of contention relates to who can own or establish a law firm in the Cayman Islands, and if I am completely honest, it's the one aspect of this Bill that in my opinion sticks out like a sore thumb. That is clause 28(2) which outlines the rules associated with establishing a law firm either as a sole practitioner, partnership, or recognised law entity—and I see you reaching for your copy of the Bill, Mr. Speaker.

If I may have your permission to read from the Bill itself. On my copy it is page 30. Clause 28(2) reads:

“Nothing in this Part prohibits an attorney-at-law from establishing that attorney-at-law as a law firm or as a partner or member of a law firm except that—

- (a) in the case of a law firm that is an attorney-at-law practising Cayman Islands law in the [Cayman] Islands as a sole practitioner, the attorney-at-law shall be a Caymanian;**
- (b) in the case of a law firm that is a partnership practising Cayman Islands law, at least one partner of the partnership shall be an attorney-at-law who is Caymanian; or**
- (c) in the case of a law firm that is a recognised law entity, at least one member or partner of the recognised law entity shall be an attorney-at-law who is Caymanian.”**

Mr. Speaker, while I am supportive of this Bill, this requirement, particularly in [28](2)(b), causes me to

ask myself if this is the best we can do in 2020? Certainly, it is better than what presently exists, but is it the best that we can do collectively, to protect Caymanian interests in legal services but also, the industry itself.

As the Premier mentioned in his contribution, much has indeed changed and been improved in legal services since it first came on the scene in 1969. One thing, Mr. Speaker, particularly in the context of the larger firms, is the number of Caymanian partners. As I mentioned before, I believe I can say without fear of contradiction, that Caymanians are being afforded broader opportunities particularly in the larger law firms now than ever before, and it can be evidenced by the number of Caymanians who are partners in those firms today.

As I understand it Mr. Speaker, of the three major law firms in this country, at least 50 per cent of their partners today are, in fact, Caymanian. I then asked myself, if the status quo today in the large firms gives evidence to at least 50 per cent of those partners being Caymanians, why then are we being so timid in our approach in only setting the bar at a minimum of one Caymanian partner required to establish a law firm.

Mr. Speaker, whilst I agree with my Government that the recommendation, particularly from the Opposition but also, I think, from ALPA, that suggests we should move to a LCCL [Local Companies (Control) Licenses] structure with law firms as it exists with every other business in the Cayman Islands, that being the requirement of a 60/40 split—namely 60 per cent Caymanian, 40 per cent foreign—the prevailing viewpoint on this is that this would be excessive and cost prohibitive for most of the firms, but also potentially restrict the growth of the profession from which the Cayman Islands derives much benefit. Therefore, if allowing the status quo to become the minimum is considered too much—that being 50 per cent Caymanian-owned—and if going the 60/40 route is considered too destructive to the industry as a whole, but we also agree that the current proposition of only requiring one Caymanian partner is not going far enough, what then is a possible middle ground?

Well, Mr. Speaker, if I may be so bold to herein not only complain, but propose an alternative solution to this problem. Please allow me to ask the Government, in particular, but also all Members of this Parliament for some consideration that I certainly would welcome at the Committee Stage. How do you encourage firms to do the right thing in terms of hiring? In terms of training and in terms of improving general upward mobility for Caymanians in particular.

In my view, the simplest answer to this conundrum, which also in my opinion would do the least amount of damage to the Bill in its present form, would be to change the provision from one Caymanian partner required to establish a law firm in the Cayman Islands to requiring that that firm's either managing partner should be Caymanian, or that a majority of the firm's Management Committee should be Caymanian.

[Inaudible interjection]

Mr. Austin O. Harris, Jr.: Mr. Speaker, if more Caymanians are in control of a firm, then I believe it is possible to also achieve the overarching goals of protecting Caymanians within the industry which, I might add, has been the single largest bone of contention as it relates to this Bill over the last two decades of attempts at trying to bring a modern legislative framework. This alternative, I believe and I propose, puts control of Cayman Law back into the hands of Caymanians, and Caymanians therefore are more likely to reach back and pull others up with them.

Now I recognise that you would need to put in some transitional clauses for some of the smaller firms in order to make this happen. The larger firms can perhaps make the turn quicker than the smaller firms can, but I think if you were to say to smaller firms, you have three to five years to become compliant, with that which the major law firms can do today, then we will have succeeded in protecting Caymanian interests in the practice of Cayman law, while also providing a modern legal framework that will complement the already high standards that exists, keeping the Cayman Islands law and its attractiveness to our clients as well as future clients at the top of the food chain.

I merely ask my Government in this august and honourable Parliament of the Cayman Islands, if this alternative proposal would be something that they, we, would be willing to accept, then I will certainly move to propose the amendment at the Committee Stage of this debate.

The fourth and final bone of contention that has kept this Bill from receiving full support has been the issue of overseas practice of Cayman Law by foreign lawyers, which hangs on the belief that the utility of foreign lawyers practising Cayman Law in foreign jurisdictions feeds business back to the Cayman Islands that we would not otherwise have, or would be possible, if we only licensed persons to practise Cayman law in Cayman. I believe that the business that is generated in foreign jurisdictions, as the Premier has, I think quite clearly elaborated on, does in fact bring a significant amount of business to the Cayman Islands and the benefit to the Cayman Islands are the fees which we derive from those services provided not just in the Law but also in financial services which law firms facilitate. The Law allows the Cayman Islands to forge new business frontiers in far-away places that bring that business back home.

I do not believe, as some have insisted, that all we are doing is outsourcing Cayman law to some other jurisdiction and allowing that jurisdiction to earn all of the dividends. I have read this Bill cover to cover multiple times and I find that, to the contrary, this Bill seeks to remedy this concern; but again, I acknowledge I am no attorney and I think that's the reason I had to read it cover to cover many times. It is because I don't immediately understand all of the clauses that my otherwise

learned colleagues accept at face value because of the benefit of their experience.

I also believe the ratio of 1:1 that is being proposed seeks to further protect Cayman interests so as to ensure that firms, through their affiliate offices or overseas offices, do not build those firms at the expense of the local firms. I also believe the requirement to post any job vacancies or advertisements for foreign attorneys first in the Cayman Islands also shores up this remedy ensuring that Caymanian attorneys benefit and get the benefit of, as they say, *the first bite of the apple*.

This is why I support the Bill that is before this Parliament. I agree that we must, as a matter of priority, establish a modern legal framework that will seek to protect or legitimise those foreign lawyers, while also enabling the Cayman Islands—and this is key—to regulate those lawyers, and ensure that those who are carrying the torch of Cayman in foreign jurisdictions are in fact of the highest calibre; or I believe as the statute suggests, are fit and proper persons to represent the Cayman Islands.

If I may also suggest, that the Government at some future period, consider commissioning an independent study to determine the socio-economic value of the practice of Cayman Law overseas, and what that provides to the jurisdiction. I believe, in my humble opinion, that this would be a useful exercise if for any other reason to provide empirical evidence that what we say or believe today, is in fact the case. I think that it would be a useful exercise and that the information learnt from that independent study would benefit all of us.

In closing, let me first thank the Government for considering my proposals and for allowing me to air them in this format. I say without hesitation, that I am proud to be a Member of this Government, and I also say without hesitation, it is a coalition government that is not authoritarian, but does, in fact, value the opinion and contribution of all of its Members, and for that I thank the Premier, the Deputy Premier, and the Cabinet Ministers for their exemplary leadership.

As I said at the beginning, I am not an attorney. I believe, through representation over the years, and certainly, over the past three plus years, that I understand the plight of the Cayman attorney and I also appreciate the value that legal services are to this jurisdiction. As such, I will be giving this Bill my support, and I encourage my fellow MPs to follow likewise.

To the question of not going far enough... well, I think that is a subjective question. Let us accept, however, that this Bill represents a good first step in the right direction to provide a modern legal framework that will both protect and enhance legal services in the Cayman Islands. That is the only point.

If you take away anything from this contribution, let it be that. I believe that this Bill is much better than what presently obtains. Let us, therefore, agree to accept this Bill, to monitor its success in providing the

mechanisms that we all seek, and if not, then let us return to this honourable House to make various tweaks and amendments until we can achieve that confidence; but let us not do nothing. Let us not kick this can a little further down the road and leave it for safer times—another administration. That time is over.

Instead, let us be courageous and endeavour to do something that we believe will benefit the industry; that will benefit Caymanians, as well as other persons that make up not only the legal services industry but the average person who enjoys the benefit of good roads, good schools, good hospitals, and good health care. The money that supports that necessary infrastructure is derived from the business that we call legal services—and certainly COVID-19, if you have never realised it before, is showing us this. To ignore that or to turn your head and say, *'No, I don't think this is the time. No, I don't think this is the Law'*, I believe, would be the wrong approach. Again, I will be supporting this Bill and I encourage my honourable colleagues to do likewise.

I thank you, Mr. Speaker.

The Speaker: Proceedings will be suspended until 2.15 p.m.

Proceedings suspended at 12.44 p.m.

Proceedings resumed at 3.55 p.m.

The Speaker: Proceedings are resumed. Please be seated.

Legal Services Bill, 2020 continuing. Does any other Member wish to speak? *[Pause]*

The Member for North Side.

Mr. D. Ezzard Miller: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make my contribution to the Legal Services Bill, 2020 now before this Parliament. This Bill is entitled: A Bill for a law to repeal and replace the Legal Practitioners Law (2015 Revision); to regulate the practice of Cayman Islands law; to provide for a system of legal education; to provide for a mechanism to deal with professional misconduct; and for incidental and connected purposes. If the Bill had stopped at the word "misconduct" it probably would have my full support, but it is these "incidental and connected purposes" that give me concern.

Mr. Speaker, I have always supported legislation that would provide a modern, professional framework to govern the legal profession in the Cayman Islands. [It is the] economic and immigration carve-outs engineered so craftily by the architects of this Bill that I do not and will not support. Those items related to ownership and immigration belong in the Trade and Business Act and in the Immigration Law through a tightening of our enforcement on the granting of work permits but, Mr. Speaker, the *battle royale* is raging.

The elite stratosphere of some lawyers who are the crafters, supporters and promoters of this Bill and its provisions, are concerned only with the protection and maintenance of their economic engine that delivers billions to them every year. They have no concern about the regulation of the practice, the system of legal education or mechanisms to deal with professional misconduct. Those three items are but the Trojan horse that these stratosphere elitists of the legal profession in this country use to bring in their economic benefits.

On the other hand, the young and not so young lawyers who live and work here on planet earth, below the elite stratosphere, want us... and they promote a Bill to regulate the practice of law, improve the system of legal education, to deal with professional misconduct. These Caymanian lawyers want to develop and improve the legal profession. These Caymanian attorneys want to belong to a profession that is respected, well-disciplined and its regulations are consistent, fair, provide a level playing field, and promote equal opportunity for all who belong to the profession.

The Executive Summary that was circulated with this Bill says that the salient points of this legislation are, and I quote from the Legal Services Bill, 2020, Executive Summary's Introduction:

"The salient matters addressed in the Bill are as follows -

- (a) the establishment of the Cayman Islands Legal Service Board as the regulatory authority and to be assigned as the Supervisory Authority for the purposes of the Proceeds of Crime Law (2020 Revision);**
- (b) the regulation of the practice of Cayman Islands law;**
- (c) the requirement of 5 years post qualification for a person, other than a Caymanian or the holder of a Residency and Employment Rights Certificate, to be admitted as an attorney-at-law by virtue of a foreign qualification;**
- (d) the practice of Cayman Islands law in other jurisdictions; and**
- (e) access to the legal profession and training and development of Caymanian attorneys-at-law."**

Of those salient points, the one that I do not support and agree with is (d) the practice of Cayman Islands law in other jurisdictions.

Mr. Speaker, there are some changes that I would like to see made to the way Caymanians qualify as attorneys to be called to the Bar. As I understand, the process now is that you can go to the Truman Bodden Law School or any other university and get your Bachelor of Laws degree. I think it's a three-year academic course to be followed by an 18-month Professional Practice Course (PPC), and upon successful completion of the PPC, one has to find a law firm to be articulated for two years, after which an attorney from the

firm goes to the Grand Court and tells the presiding judge that the person can be called to the Bar.

There is no obligation on the firm making that recommendation to give the Caymanian a job, yet, they have persons on work permits with only three years PQE, so the Caymanians can never catch up to the experience level and the requirement. When I talk to young Caymanian lawyers, they see this three-year (or five-year we're making it now) PQE a little different from how we see it or how we have been made to believe that it helps Caymanians, because it prevents the law firms from employing persons from overseas with less than three or five years PQE.

Their argument is that when the post is advertised by the law firm, the requirement is three years PQE—or now, it'll be five years PQE—and they as young lawyers coming out of law school, having completed everything and being called to the Bar, cannot qualify for the advertisement (*sic*) because they do not have the three years' experience and no law firms in the Cayman Islands are advertising for any lawyers with no experience. They believe that it is a matter for Immigration and the granting of a work permit, and the overriding factor should be whether there are any Caymanians qualified as attorneys, called to the Bar, who need a job. There are two edges to that sword.

I support the aspects of this Bill that deal with regulating the legal profession, with some minor changes which I will get to later as I go through the clauses in the Bill; however, I do not support the licensing of persons, specifically to practise Cayman law in other jurisdictions.

My disappointment in the elite stratosphere of the legal profession, is that they refuse to separate the two, and place priority and emphasis on the much-needed improvements to regulating their own profession. Instead, they have consistently held up this legislation to enhance, improve the regulation and raise the standards required for lawyers practising in the Cayman Islands. They have and still place a higher emphasis and priority on the economic opportunities—the millions they make, even if it means breaking the current law; specifically section 10 of the current law. This is all about the money and more money.

Every time in the last five or six years that I have been invited by these lawyers to discuss this Bill, the conversation has started about money. How many millions they bring to the country, how many millions the industry contributes. As recently as the last sitting of the Legislative Assembly (LA), I was invited to meet with CILPA. When I got there, they had four items on the board they wanted to discuss with me. The first was money. The second was regulating the profession, the third one was improvements to the qualification process and schooling for attorneys, and the fourth one was to do with some formula for immigration carve-outs—that they must have one lawyer in Cayman for every one they have licensed overseas or some other formula.

I told them, *Stop. Stop. I am not here to discuss one and four. One and four are of no interest to me. I am here to discuss two and three. How can we improve the legal profession, the regulation of the legal profession? How can we improve and level the playing field for Caymanians to qualify to be attorneys in this country?* We started the conversation, but invariably, they brought the conversation back to the importance of how much money this country gets by having Caymanians licensed to practise law in other jurisdictions. That is the total focus of that level of the industry in Cayman.

When you try to drill down and ask, why is this? Then they start to want to quasi admit, *"Well you know, we have been doing this for a long time and it's really not legal and we might get in trouble and the country might get embarrassed. What we need to do is find a way to really license these people so that we can have control over them"*, et cetera. That is what they want to talk about. They don't want to talk about how do we handle misconduct in the legal profession; how do we improve the legal profession by improving the legislation, and how can we assist and provide an easier and more direct route for Caymanians to get qualified as attorneys.

It is almost refreshing to talk to younger attorneys, Caymanian lawyers, before they get influenced by that money train, because they are the ones who are willing to talk about improving the profession, making it easier, how to better monitor Truman Bodden Law School; how to make it easier for people to qualify through an examination which is objective, rather than a subjective evaluation by some attorney that they cannot get along with, who goes to a judge and says, *"This person has worked with me for 18 months or two years (whatever the requirement is) and they are now qualified to be an attorney."*

They want to change that system. They want to be able to do an exam at the end of the PPC that qualifies them to be called to the Bar and they're called to the Bar on the success of that exam. One of their recommendations is, instead of having to do 18 months of articling after the PPC, is that you extend the PPC by six months. In the last six months, you have to work in an attorney's office but on a prescribed curriculum such as you have to do 'x' number of hours in contract law, 'x' number of hours in trust law, 'x' number of hours in customs law, and you can get questions in your examination for the Bar on the experience that you get out there.

Mr. Speaker, I'm not a lawyer so I don't know what the qualifications are and what the experience level should be. I think the legal profession is like any other profession—if you're just out of school, everyone knows that your experience level is low; and your billing level is related to the experience that you have, but you should be able, once you've passed your Bar exam, to hang up your own shingle and not have to go and plead and beg and cajole some law firm to hire you for 18 months to, as they tell me, move files around the office

with no real training and experience to get called to the Bar.

They are very, very concerned about this proposal to legalise practising Cayman Law overseas. The young Caymanian lawyers see this and are concerned about the shrinking of the economic pie that they have worked so hard through school to try and become a part of. Most of all, Mr. Speaker, these young attorneys are concerned and disappointed that the senior members of the Bar, as they call them, are not doing enough in this legislation to improve the requirement for Caymanians to enter the profession and the regulation of the profession after they get into it.

As I said earlier, Mr. Speaker, I think that the ownership questions about how many partners should be Caymanian; what percentage of the business should be Caymanian, should be addressed in the Trade and Business Licensing Act. They've been getting away with it for all of these years because when the Trade and Business Licensing Act was passed, they managed to have an exemption built into the Law for lawyers and doctors to not be required to have a business licence under that Law, which requires 60 per cent Caymanian ownership. Again, it's difficult to engage these senior people who are promoting this thing about licensing lawyers to practise overseas into any kind of academic, intellectual, or serious discussion about these things.

My position is simple. We need to amend the Trade and Business Licensing Act to remove the exemption from doctors and lawyers from the business licence. They must have 60 per cent Caymanian ownership or they would have to apply for an LCCL, and you know my position on LCCLs is that we should stop granting them—period.

Mr. Speaker, let me turn to the Bill and make a few comments on some clauses therein. Clause 4(1), which sets up the Board. I believe that the Board should consist of at least seven members. I think the kind of authority [and] the kind of responsibility [and] the kind of work that we expect this Board to perform needs more than four members. I don't think that four members sufficiently represent the breadth of the legal fraternity. I also like odd numbers to reduce the likelihood of a tie.

Of the three additional members, one could be a sole practitioner. They could be lawyers with more than 10 or 15 years' experience, preferably lawyers who have retired and are no longer employed, but we are not too worried about that because I think we have Magistrates and Judges who sit on the bench now who also work while they're sitting as Magistrates and Grand Court Judges, but I'm not sure about that.

The law should clearly state that all members of the Board should be Caymanian. I believe that there needs to be a definition in the law of "sole practitioner", because I believe there are some sole practitioners

here who represent an important part of the legal fraternity not necessarily in the financial industry but certainly in advocacy before the court.

Clause 5, which lays out the functions of the Board, (1)(a) I think it now says, “to encourage and promote...”. I would like to change that to “promote and ensure the upholding of the rule of law”. I don't even see why the Board should be encouraging people. You need to ensure that they're following the law. It (the Board) promotes high standards of professional conduct by attorneys-at-law. I agree with that.

To regulate the practice of law in the Islands; to encourage and promote the study of law. Some of the young lawyers that I talked to would like to see a separate board created under the Law to supervise the legal education and practical legal training to locally qualify for admission of an attorney-at-law. In other words, a board under this Law that supervises the functions of the Truman Bodden Law School and the whole idea of how you get your professional qualifications.

We have in the Bill [that] the “Supervisory Authority” is defined in section 2(1) of the Proceeds of Crime Law (2020 Revision) and I won't bother to read it because everyone has copies of the Law.

[Section] 4(9) of the Proceeds of Crime Law. We have the situation where a general commercial notice was issued in 2019 that noted, pursuant to section 4(9) of the Proceeds of Crime Law, assigned to the Cayman Islands Legal Practitioners Association, the responsibilities for monitoring compliance of attorneys-at-law and money-laundering regulations made under the Proceeds of Crime Law.

The young people who I talked to would prefer to have that under something other than what is currently set up. I think it's called CARA [Cayman Attorneys Regulation Authority], or something like that now; it should either be a sub-committee of the Board or an independent monitoring authority which could also handle the money-laundering aspect of it such as the Cayman Islands Monetary Authority (CIMA) or some other recognised authority.

The Law should require board members with a conflict of interest in a matter that is to be dealt with by the Board, or where they are otherwise unable to act, to recuse themselves.

I think that clause 12(2) should be deleted.

There is no requirement in the Bill that I saw as to how often the Board should meet. I think clause 15(1) should require the Board to meet at least once a quarter. The quorum should be the majority of board members.

Clause 15(7) seems to contemplate the possibility that there may be members beyond the number said in the Bill. Furthermore, the Bill does not create a procedure for the appointment of a co-opted person, because if you are going to have extra people beyond the four, they must be co-opted in some way. If someone is going to be co-opted, it should be properly done and through an agreement by the board members and

it should be for that specific or particular purpose which that person is co-opted for, not that they can just go out and add members to the Board for general purposes just to get whatever decision they want made.

Clause 24(5) is a bit troubling to me because it seems to create a carve-out for those who practise Cayman Islands law without a practising certificate. The sub-clause seems to go against the very reason that the Bill was drafted, which is to regulate and hold accountable those who practise Cayman law in the Islands, and in foreign jurisdictions.

Something that these young Caymanian lawyers think, is that requirements for someone to be called to the Bar in Cayman, specifically to work in some other jurisdiction, should be no different from what it is in Cayman, and you should have to, at least, do the 18 months working in Cayman that the Caymanian lawyers who are academically qualified by having their LLB and PPC [have to] do before they can be called to the Bar. It is hard for [them] to understand that being ordinarily resident in another jurisdiction, irrespective of your experience level, should just allow you to be called to the Bar here—you come in on a flight, get called to the Bar because you have the five, six or ten-years' experience, and you leave the next day to practise Cayman Law in another jurisdiction.

They believe that the way it originally started, whereby you had to have Caymanian experience to be seconded overseas by a Caymanian law firm was a better way to do it, and they believe that they're going to lose a certain control on the numbers unless you go building some kind of affirmative action of this and they can only have a certain number.

[Inaudible interjections]

Mr. D. Ezzard Miller: We don't need to control them now. We need to stop them because it's illegal. Prosecute them before the courts. They told me that they believe what they are doing is illegal under section 10 of the current Law, but everyone's turning a blind eye.

I keep saying Mr. Speaker, one of the things we should try to eliminate when evaluating people's output is looking for motive. Sometimes we should just listen to what the person is saying and evaluate it without looking for a motive.

Another thing that jumps out is under clause 35(5) (*sic*) [37(5) refers], “**Notwithstanding subsection (1) and (4), a failure to comply with subsection (4) does not amount to professional misconduct, but any such failure may in disciplinary proceedings in relation to the attorney-at-law or a recognised law entity be relied upon as evidence to establish professional misconduct by the attorney-at-law or recognised law entity.**”. How does failure to comply with section 4 not simply amount to professional misconduct? Why does that then have to go through some kind of additional process? I don't understand it.

Clause 45(7), **“If a law firm fails to comply with a requirement of this section [each manager of] the law firm commits an offence and is liable on summary conviction to a fine of five thousand dollars [I think it is]”**. The numbers that they're talking about, I think it should be \$100,000. I'm just going by the numbers that they show me, of what their incomes are. I do not necessarily mean that the punishment should relate to income, but as we know, all of this is “up to”. So, we can look after the small one, right, but when the big boys do it big—because they normally will do it bigger than the small one, right... and their sins will be bigger—they should have to pay more than \$5,000. That's kind of low. Even if you don't want to go all the way up to my suggestion of \$100,000, I think there's room for increasing that penalty based on the severity of the action and whether it causes a black eye for the country or what not.

I think the law (*sic*) proposes to change the process of getting called to the Bar from submitting to the Clerk of Courts to the Board. If it is not specified how often the Board meets, how long does one have to wait to get registered if the Board is not meeting; or do we expect some executive employee of the Board to register these people as being called to the Bar? I don't think it's clear enough.

[Inaudible interjection]

Mr. D. Ezzard Miller: Mr. Speaker, in Part 9, I would like to see some more influence placed on local education and training and that somehow, as I recommended earlier, we set up a Board of Governors for the law school and have some representation of the new graduates from the law school. Maybe some students from the law school, some of the faculty, but some governing body for the law school that can regulate the whole education and look at this thing of combining some of the articling along with the PPC not only to shorten the qualification period, but to improve the qualification period, and try to ensure that the evaluation of the person is more objective than it is subjective, under the articling process.

The same with 97(2), **“A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars [I think it is] or to imprisonment for a term of five years, or to both.”** I don't think that \$10,000 is enough to discourage them from doing it. Again, I would like to see that moved up to about \$25,000; and [clause 98(1)], where the offence is committed by a limited [liability] partnership or body corporate, those entities should be fined at least a minimum of \$100,000.

Maybe the Bill should identify where the details of practising certificates will be published. Is this going to be in a record at the court, with the Clerk of Courts, where someone can go and examine it? Is there any plan to make it open to the public in some way?

[Inaudible interjection]

Mr. D. Ezzard Miller: I think I would like to see some kind of report from this Board come to Parliament on an annual basis as to the number of people who are licensed; how many people are practising overseas, et cetera.

The Speaker: Honourable Member we have reached that hour.

I call on the Premier.

Mr. D. Ezzard Miller: Five minutes and I'm done.

The Speaker: Okay.

Mr. D. Ezzard Miller: Mr. Speaker, those are some of the changes that I would like to see made to this Bill. I am very reluctant to support it in its present form. I also support many of the amendments that have been filed by the Leader of the Opposition. I think if we can have a serious exchange and debate in Committee Stage to get some of these changes, I hope to find a way to support the Bill.

Thank you, Mr. Speaker.

The Speaker: Honourable Premier.

Suspension of Standing Order 10(2)

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker.

Mr. Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption.

The Speaker: The question is that Standing Order 10(2) be suspended in order for the business of the House to continue after 4.30pm.

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

AYES and one audible NO [by Mr. D. Ezzard Miller].

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

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

The Member for Bodden Town West.

Mr. Christopher S. Saunders: Mr. Speaker, the three primary ingredients needed in a bacon, egg and cheese sandwich are bacon, egg and cheese. While we can all agree that those three ingredients blended together is what will give the sandwich its unique taste, all three ingredients are not created equal and do not arrive at the table equally, as a cow gives up the milk

to make the cheese, the chicken gives up one of her eggs, but the pig gives up his life. Simply put, Mr. Speaker, the cow and the chicken continue with their lives, while the pig gave up its life. Our job here, Mr. Speaker, is to make sure that the Caymanian people bring home the bacon but don't become the bacon.

Mr. Speaker, I rise to offer my contributions on the Legal Services Bill that is before this honourable House today. Before getting into my contribution, I want to also start off by thanking the many individuals who worked on this Bill, both in the public sector and the private sector. Many of them have given up their time and resources for the Bill to reach this far, and it is not my intention to be critical of their efforts, but rather to recognise their efforts in trying to make the legal profession better.

Mr. Speaker, I've often said that people know what they know and they don't know what they don't know, until they know. I say that to say that we can only see things through our own lenses that are based on our own experiences and circumstances. With that said, it is not my intention to question the motives of anyone who had input into this Bill whether from the private sector or the public sector. Everyone contributed their own ideas. Mr. Speaker, it is the collective ideas of many people that are reflected in the Bill before this Parliament and our job as legislators is to debate those ideas. Democracy after all, is about competing ideas and I hope that my contribution here today reflects that democratic principle.

Mr. Speaker, maybe it is irony or providence, that the first substantive Bill being debated by this new Parliament is the Legal Services Bill. I have said many times that democracy is a system that requires us to debate and discuss differences, disagreement, discord and dissent, and no Bill thus far, for so long, has had so many differences and disagreements over such a long period of time. Mr. Speaker, I'm very aware that this Bill is contentious, but no one should be surprised. After all, the Bill is dealing with lawyers and the provision of legal services in the Cayman Islands.

Mr. Speaker, I also want to take the time out to recognise the efforts of the Honourable Attorney General and his team in progressing this issue in this Parliament, and every Member thus far who has made their contribution. On the surface, this Bill says that it will replace the Legal Practitioners Law; regulate the practice of Cayman Islands law; provide for a system of legal education; provide a mechanism to deal with professional misconduct and incidental and connected purposes.

Mr. Speaker, my contributions, therefore, will focus on those areas starting with the replacement of the Legal Practitioners Law. The Legal Practitioners Law that this Bill will repeal, was first enacted in 1969, several years before many of us in this Parliament were born. Since its enactment in 1969, the Legal Practitioners Law had 14 (*sic*) amendments:

- One in the 1970s;

- Five (*sic*) in the 1980s;
- Two in the 1990s; and
- Six since 2000, with the last amendment taking place in 2012.

Mr. Speaker, I am sure that we can all agree that the world is a completely different place since 1969 and that the Cayman Islands have come a long way since then. The 14 amendments made to the Legal Practitioners Law since 1969 tried to keep up with the ever-changing pace as we moved from the Islands that time forgot, to a leading international financial centre. I am sure that we can all agree that it is time for us to have a modern law that reflects the world we are living in today, and one that reflects the position of the Cayman Islands in the world today. As I said earlier, we are no longer the Islands the time forgot, but rather a leading international financial centre and a major player of financial services on the global stage.

Mr. Speaker, since we can all agree that there needs to be a new law, the next thing for us to agree on is how this should be done. I'll be the first to tell you that we should not let the perfect be the enemy of the good, and as such, no Bill will ever be perfect, thus the reason why we have amendments.

I now turn my attention Mr. Speaker, to regulating the practice of Cayman Islands law. The Oxford Dictionary defines "regulation" as "**an official rule made by a government or some other authority**". What we are doing here today is debating a Bill that deals with how the practice of law is regulated in the Cayman Islands and, Mr. Speaker, while a legal profession may be considered unique, to us in this Parliament it is just another profession, and as such, we need to have some level of consistency with our regulation. We cannot be seen to be treating one regulated profession different from another.

Additionally, Mr. Speaker, because this regulation is being done as an Act of Parliament, it is therefore important that some fundamentals within our democratic system of governance be reflected in this Bill. To this end, Mr. Speaker, the Honourable Leader of the Opposition has filed 76 amendments to the draft Bill, that we in the Official Opposition believe will strengthen the Bill, and ensure consistency with the regulation of other professional services and greater consistency with the spirit of other laws such as the Public Authorities Law, the Public Management and Finance Law and most importantly, in my opinion, compliance with section 26(1) of the Cayman Islands Constitution.

I raised that issue as I was concerned, like the Leader of the Opposition, as to the impact that that section of the Bill would have on the Constitution; and for ease of reference, Mr. Speaker, I just want to remind Members and the listening public [of] what section 92(1) actually says. It is the section that deals with appeal from decisions of the Board, and it goes on to say, "**An attorney-at-law may appeal to the Court of Appeal against an action taken by the Board under section 84.**".

Mr. Speaker, section 26(1) of the Cayman Islands Constitution says—and this goes under the section Enforcement of rights and freedoms— **“Any person may apply to the Grand Court to claim that government has breached or threatened his or her rights and freedoms under the Bill of Rights and the Grand Court shall determine such an application fairly and within a reasonable time.”**

Now, Mr. Speaker, I am hoping that either the Honourable Attorney General or the Honourable Premier, two members of the legal profession, can provide greater clarity on that issue, and satisfy my concern. As I said before, it is my opinion. I am not a lawyer, but I am curious as to that interpretation.

[Inaudible interjection]

Mr. Christopher S. Saunders: Thank you.

Mr. Speaker, I must also state that I have a fundamental objection to the position of Chief Justice being included on the Board.

I raised this issue in a meeting that some Members of the Official Opposition had with the Honourable Premier and the Honourable Attorney General, and it is my understanding that this was a compromised position among most of the lawyers. Mr. Speaker, while I can accept that compromise is a necessary component, I also recognise that the governance principles that form the foundation of our democracy cannot be compromised, and as such, I cannot support inclusion of the Chief Justice position in this process—and to some extent maybe even the Attorney General, but we'll get a little deeper into that.

Mr. Speaker, according to the 2009 Compendium of Statistics, there are 996 attorneys licensed to practise law in the Cayman Islands, and while I can probably live with the Attorney General position being involved in this process, as I've seen it done elsewhere, there's nowhere else in the Commonwealth where I have found the position of Chief Justice being involved in such a process and I ask the Honourable Premier and the Attorney General to provide an example of where the Chief Justice was involved in such a regulatory process. As a matter of fact, Mr. Speaker, I went as far back as the Roman Empire where the first lawyers were created almost 2,800 years ago. Roman law is considered the foundation of modern law and it was because of the size of the Roman Empire why lawyers were created in the first place.

Mr. Speaker, just last Friday we celebrated the full autonomy of this Parliament from the Executive to comply with the separation of powers. We cannot now blur those lines by bringing the Chief Justice within the regulatory process; something that is usually reserved for the Executive branch. Simply put Mr. Speaker, we should endeavour our absolute best to ensure that the separation of powers is maintained and I find it hard to believe that we cannot find one lawyer in almost one thousand to replace the Chief Justice.

Mr. Speaker, I want to use this opportunity to remind this Parliament—

The Speaker: Honourable Member, sorry to step in at this time, I didn't quite catch what you said about the Chief Justice being here on the auspicious occasion of our Parliament opening.

Mr. Christopher S. Saunders: Okay, I'll repeat that section for you.

The Speaker: Yes, I didn't catch it.

Mr. Christopher S. Saunders: That's fine. I'll re-read that section. It says, Mr. Speaker, just last Friday we celebrated the full autonomy of this Parliament from the Executive to comply with the separation of powers. We cannot now blur those lines by bringing the Chief Justice within the regulatory process; something that is usually reserved for the Executive branch.

As I get further down, it should be a little bit clearer to you.

The Speaker: I just wanted to make sure you weren't saying anything about him being invited here.

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

The Speaker: That's what I was... You were a bit blurred from my hearing there, because you know that is proper protocol so to do. If we're going to build institutions, we need the presence of the Chief Justice on such occasions.

Mr. Christopher S. Saunders: Oh, no. No one is arguing that. I was referring to the regulatory process.

The Speaker: And then I caught when you said the word “blur”, so I think I'm understanding what you're saying.

Mr. Christopher S. Saunders: Okay. No problem, Mr. Speaker.

I want to use this opportunity to remind this Parliament that the separation of powers were inspired by the Bible and can be found in Isaiah 33:22, **“For the Lord is our judge, the Lord is our lawgiver, the Lord is our king; it is he who will save us.”**

The Executive branch and the Judicial branch do not mix, and while they can mingle as individuals, they cannot mix as office holders in our democracy. Mr. Speaker, our Constitution, the highest law in the land, speaks of the role and responsibility of both the Chief Justice and the Attorney General. For ease of reference, I want to remind the Parliament of their responsibilities.

The Attorney General, Mr. Speaker, is covered under section 56 of our Constitution and it says,

“56.—(1) There shall be an Attorney General of the Cayman Islands, whose office shall be a public office and who shall be appointed in accordance with section 106.

(2) The Attorney General shall be the principal legal adviser to the Government and the Legislative Assembly.”

Mr. Speaker, I'm just going to read section 95(7) of the Constitution and it says:

“The Chief Justice shall have the responsibility for and management of all matters arising in judicature, including responsibility—

- (a) for representing the views of the judiciary to the Government and the Legislative Assembly, including, where appropriate, through the Attorney General;**
- (b) for the maintenance of appropriate arrangements for the welfare, training, and guidance of the judiciary within available resources;**
- (c) subject to paragraph (d), for the maintenance of appropriate arrangements for the deployment of the judiciary and the allocation of work within courts;**
- (d) after consultation with the President of the Court of Appeal who shall be responsible for the allocation of work within the Court of Appeal, for the maintenance of appropriate arrangements for the work of that court.”**

Mr. Speaker, I want to make two final comments on this issue, especially as it pertains to the position of the Attorney General in this regard. The Attorney General is a Member of Cabinet and is a Member of Parliament, and as far as I can check, Members of Cabinet [and] Members of Parliament do not sit on regulatory boards. While I know in the past we used to appoint some MLAs to some government boards, it is a practise that I understand we have now stopped and I don't think that we should be going back to the practice of having Members of Parliament or Members of Cabinet involved in the regulatory process.

Then, Mr. Speaker, I have to ask, why should we bastardise our democratic process to accommodate one profession, because they can't get along with each other? Mr. Speaker, while I understand that there may be instances where they have in the past, the practise needs to stop and not be encouraged. The Attorney General did give me an example before of something that was being done with regards, I think, to the Mutual Legal Assistance Treaty (MLAT) and the Judiciary, but that is something for a different time.

The final comment on this issue Mr. Speaker is a result of what happened five years ago in December,

when the Chief Justice was able to catch something that the Executive branch missed—and I'm actually going to read from this news article, Mr. Speaker.

Mr. Speaker, the headline reads, “Five foreign attorneys refused admission in AHAB litigation”. While I won't be reading all of it, I'll be reading most of it. It starts by saying:

**Application highlights issues in
Legal Practitioners Law**

“Five of seven London-based solicitors and barristers were denied admission to practise law in the Cayman Islands for limited purposes following a ruling made by Chief Justice Anthony Smellie earlier this month.

Justice Smellie denied the majority of the applications citing Grand Court practice directions, or rules, that state limited admission of junior counsel will not be granted in Cayman except in ‘unusual and special circumstances.’

‘This is for the well-recognised policy and practical reasons that the services of attorneys-at-law of equivalent experience will be readily available from amongst the local profession,’ Mr. Smellie's ruling on Dec. 10 indicated.

The admission of the additional non-Caymanian attorneys, sought by local firm HSM Chambers and its partners Huw Moses, Bill Helfrecht and Ian Lambert, emphasised the ‘highly unusual and complex nature’ of the civil court case in which the firm is involved. The matter has been ongoing in one form or another in the Cayman Islands and other international courts since 2009 and is expected to go to trial in Cayman in mid-2016.

The civil case alleges the misappropriation of more than US\$5 billion by a defendant named in the case, Maan Al Sanea, from the financial division of Ahmad Hamad Algosaibi & Brothers Co., also known as AHAB.”

I will skip the rest of the particulars of the case, Mr. Speaker but I'm going to continue on the second page.

“According to the ruling, the seven London-based attorneys were all granted work permits allowing them to be present in the Cayman Islands to work on the case, but fees for their services can only be recovered as costs from the litigation if they are granted admission to the local attorneys Bar. In other words, if the AWAL Companies are successful in the litigation and manage to recover costs from the other parties, the attorneys could not be paid out of those costs unless they are granted admission to practise in the Cayman Islands.

Although the London-based attorneys working on the case with HSM Chambers are charging less than Cayman-based attorneys would for the same work, Chief Justice Smellie stated there were ‘equally significant policy concerns’ that

needed to be addressed with this application for their admission to the local Bar.

‘[These] include the fact that the many law firms and practitioners within the Islands are usually quite able to provide the kind of professional services needed even for the most complex kinds of civil and commercial litigation,’ Mr. Smellie wrote. ‘Their continued ability to do so would be significantly impaired if they had generally to compete with foreign lawyers as well. The routine granting of applications such as these would therefore be injurious to the interests of the local profession.’”

The last page goes on to read Mr. Speaker, “Section 4 of the Cayman Islands Legal Practitioners Law sets out the ways in which applications for limited admission of foreign lawyers can be made, but Justice Smellie said it must be ‘construed as intended’ to ‘protect the local profession from undue foreign competition.’

While the law and the Grand Court practice rules will ‘more liberally’ allow requests for senior overseas counsel, such as Queen’s Counsel, ‘a different view must be taken of a desire to bring in junior counsel and solicitors from overseas,’ Justice Smellie indicated.

According to the submissions of (*sic*) behalf of HSM Chambers, the admission applications were urgently needed to prepare for a trial set for July 2016. Mr. Moses argued that HSM Chambers is a small local firm that had no choice but to enlist overseas lawyers in order to properly represent their clients in this complex and difficult case.

Justice Smellie states that the HSM litigation team in this matter, led by Messrs. Helfrecht and Lambert, may have been made up of at least a dozen lawyers, only two of which – the partners – were based in Cayman. Most of the work, the Chief Justice stated, appears to have been done in London.

Mr. Moses stated that at this stage of the case, a number of other leading Caymanian law firms are involved in the matter, and that it would likely not have been possible to find anyone ‘who is not conflicted’. Mr. Moses also indicated that his firm would not have recruited new attorneys for this single case, not knowing whether they could keep them on following its completion.

The Chief Justice did not accept this argument: ‘Other firms in Cayman have recruited for bit litigation and in some instances, for this very case as well.’

In conclusion, the application of two of the seven overseas lawyers was accepted by the court, which left it up to the employer to determine which two will come to work in Cayman for the remainder of the litigation.”

The Speaker: Honourable Member, are you asking for the paper to be laid?

Mr. Christopher S. Saunders: Not really, no. Not really, it’s in the public domain.

In short, Mr. Speaker, the reason that it jumped on my radar and I remembered it from back then, was because the Work Permit Board had actually granted the permits, but I can tell you that usually when the Work Permit Board grants a permit, it will usually be subject to approval, I think, from the Chief Justice or someone else. The thing about it Mr. Speaker, is that the Work Permit Board didn’t—and I don’t want to use the word... I don’t want to be critical, but it goes to show why it’s important to have a certain level of expertise on some of these government boards especially when it comes to the legal profession and other professional qualifications, because I doubt that members on that Board would have been able to catch something like this. Nonetheless, it is part of the whole process where something was missed on one board but the Chief Justice, being separate, was actually able to catch it.

The point I’m trying to make here is that you kind of want to keep that two-tier system of catches where, if one misses it, another one catches it, as opposed to where everything just goes through one as it stands. We’ll get into that a little bit deeper.

The bottom line is that it is still a check and balance within our system, and to some extent we need to find the best way in which to maintain that system, and that is why the Honourable Leader of the Opposition filed the amendment changing the Board to an Authority and that is why I support such an amendment, as it would be consistent with other regulatory bodies such as CIMA, OfReg, and other Statutory Authorities and Government-owned Companies (SAGCs).

Mr. Speaker, every Member in this Parliament knows the value of the financial services industry to our Islands, and if there were any doubts, this global pandemic further highlights the importance of the financial services industry when considering the current challenges in the tourism industry. Mr. Speaker, in normal times, (pre-COVID-19), the financial services industry drove more than 60 per cent of our GDP but employed around 10 per cent of our working population. Using information from the 2019 Compendium of Statistics, as prepared by the Economics and Statistics Office between 2011 and 2019, the number of persons employed in the Cayman Islands increased by over 12,000, going from just over 35,000 employees to over 47,000 employees.

Equally, Mr. Speaker, the number of persons employed in the financial services industry has remained relatively flat, going from 3,005 in 2011 to 3,502 at the end of 2019. I want to bring to this Parliament’s attention, that just a year earlier in 2018, the number of employees was actually 4,425 but dropped to 3,502 by the end of 2019. In short, Mr. Speaker, between 2018

and 2019 there was a decline of 923 jobs in the financial services industry. However, Mr. Speaker, while there was a decrease of 923 jobs in financial services between 2018 and 2019, you'd be surprised to know that during the same period, the number of attorneys licensed to provide legal services in the Cayman Islands increased by over 200 going from 794 attorneys in 2018, to 996 at the end of 2019.

Simply put Mr. Speaker, while the number of jobs in the financial services industry decreased by over 900 between 2018 and 2019, the number of attorneys actually increased by over 200. In essence, Mr. Speaker, the legal services industry continues to be a growth industry and remains an area for us to direct future opportunities for Caymanians.

Mr. Speaker, I also want to use this opportunity to highlight two other points: at the end of 2019, of the 47,000 plus people employed in our Islands, 49 per cent were female and 42 per cent were Caymanian. However, Mr. Speaker, within the financial services industry, 57 per cent were female and 68 per cent were Caymanian. In short, Mr. Speaker, of the 20 categories of occupations that are measured in this country by the Economics and Statistics Office (ESO), only four have a higher female participation rate when compared to males. The other three being education, health and domestics.

Mr. Speaker, I wanted to raise this issue for a particular reason. A few years ago, I had a discussion with one of our prominent lawyers Tony Travers and surprisingly enough, it was over the provision and regulation of legal services. During my discussion, I asked Mr. Travers something, and his answer surprised me so much so that I have to mention it here today. I asked him, *what was the real reason for the success of our financial services industry?*

While I expected him to have mentioned a particular piece of legislation, his answer actually surprised me. He said, "*Chris, the reason for our success was our Caymanian women.*" He said that when the businesses were leaving the Bahamas, the lawyers had 15 minutes in which to make the case for business to come to the Cayman Islands. He said that they told the clients that the expertise and infrastructure were here, when in fact, it wasn't quite all here, but luckily for the Cayman Islands, we had women who stepped up to the plate and delivered. Mr. Travers said that he would leave them in the office at extremely late hours and would come back early in the morning and find them there. How they managed to get the work done, raise their children and be back in the office in the morning was nothing short of amazing.

My mother, my aunts and many other women transitioned from being waitresses at hotels to administrative positions in the financial services industry. I say all of this to say, Mr. Speaker, that the financial services industry has been good to our women; good to our mothers; and what is good for the mothers is good for our Islands. The opportunities available to many

Caymanians in the financial services industry and the improved quality of life for many Caymanian families proved that one of the successes of the Cayman Islands wasn't income inequality but rather income ability. The ability to improve economic status. It is that income ability that was available to my mother's generation that we need to preserve and protect for this generation and the next generation.

Mr. Speaker, in his contribution in moving this Bill, the Premier reminded this Parliament of my hunters-and-gatherers description of the financial services industry. Simply put, Mr. Speaker, of the 3,502 positions, less than five per cent are real hunters—the people who generate business locally. Don't believe for one minute, Mr. Speaker, that around 175 people are responsible for driving more than 60 per cent of our GDP or around \$2.7 billion of economic activity. Much of that hunting takes place overseas, Mr. Speaker, and this is why it is important for us to get this Bill right. This Bill is not about our economic survival. This Bill is about our economic existence.

The global pandemic has highlighted the importance of the financial services industry and that is why we must protect it. Mr. Speaker, I can't help making this point: for decades we have been told we need to review how our government generates income. Our model of indirect taxation has been attacked by many countries with direct taxation. Now look at the performance of their economies versus the performance of our economy.

Mr. Speaker, back in the 1990s, when I received my scholarship, it was a time when graduates were expected to return and work in the public service, so I knew from an early age that I would be in public service. When I returned home, there wasn't a job readily available, and I was told to find a job in the private sector until they found something for me. I decided to use that opportunity to increase my knowledge of how our country works with the view that when I returned to the public service I would be able to add value.

Long story short, Mr. Speaker, the powers that be in the public service have not found something for me yet, but as you can see from my membership in this Parliament, I am able to fulfil my public service requirement. During that time, I've had the opportunity to gain the necessary experience to say what I'm about to say: My last full-time job prior to being elected was the Chief Financial Officer of a law firm. That job gave me the necessary experience to say to this honourable House that the bulk of legal work isn't generated locally, but overseas.

Mr. Speaker, do Members of this honourable House understand that this business isn't generated by placing ads in newspapers, magazines or television? When was the last time we ever saw the work that is being done by our financial services industry advertised anywhere? The work is done by personal business relationships that are built after years of networking. Who went to school with who; who knows who; key business

introducers, et cetera. Mr. Speaker, if anyone doesn't understand what I'm saying, they need to look no further than the government-owned revenues related to the financial services industry. More than half of the roughly \$800 million collected, comes from financial services and work permits. Simply put, Mr. Speaker, the fact that such a large amount of government revenues are generated from financial services means that we in the local market don't have to find it.

Mr. Speaker, I can tell you right now that our presence in those international markets are a requirement for our continued success in the financial services industry, and I support their presence over there. This is the world we're living in today, and while we may not like our globalisation, we still have to find our way to adapt and do what is in the best interest of our Islands and our people. Mr. Speaker, what I'm about to say may be a little bit controversial, but it also needs to be said when considering Brexit and the rise of nationalism in Europe. Just as we in this honourable House are trying to protect jobs here for our people, why do we think that other politicians in other countries don't want the same for their people?

You think that they want jobs for their people being taken by Caymanian lawyers? I say that to say Mr. Speaker, that for us to be successful we must work in partnership with other firms around the globe as we achieve much more through cooperation as opposed to competition, and this Bill must reflect that partnership that the industry needs to ensure that the business continues to flow to the Cayman Islands.

Mr. Speaker, over the last 10 years, between 2009 and 2019, the financial services industry has seen an increase in new company registration. Ordinary resident companies increased from 487 to 738, an increase of 251 or 52 per cent. Exempt companies increased from 6,764 to 10,448, an increase of 3,684 or 54 per cent. Foreign companies increased from 392 to 694, an increase of 302 or 77 per cent.

Mr. Speaker, between 2010 and 2019, the number of mutual funds increased from 9,438 to 10,857, an increase of 1,419 or 15 per cent. Number of stock listings increased from 1,113 to 2,078, an increase of 965 or 87 per cent; and finally, Mr. Speaker, between 2010 and 2019, the number of attorneys licensed to practice in the Cayman Islands increased from 541 to 996—an increase of 455 or 84 per cent.

It is clear, Mr. Speaker, that the growth in the financial services industry also reflects the growth in the legal services industry, however, what is missing from this analysis is the number of lawyers that we have overseas who are hunters generating business for our Islands, and that is why I want to see them licensed and properly regulated.

Mr. Speaker, I want to add that this is by no means a blank cheque to hire and register all overseas lawyers. I think it is important that we borrow a page out of the British Virgin Islands' (BVI') book and require that all of them obtain a temporary work permit before being

called to the Bar and licensed. I think this is particularly important as it would give new lawyers and existing lawyers an opportunity to see what is available and seek new opportunities.

Additionally, Mr. Speaker, while I know that this Bill is more designed for lawyers in a corporate space, which is the bulk of the legal services industry, I must ask the Parliament to consider the lawyers on the criminal side. The requirements of five years qualification may challenge smaller firms that specialise in criminal law and if they're also required to meet the five-year requirement when there aren't many Caymanians going into criminal law, this means that they will have to hire lawyers that cost more and it may drive up the cost in a local market as well as put a strain on the legal aid budget. Remember that those firms are owned and operated by Caymanian lawyers and we are responsible to do what is in their best interests also. I therefore ask the Government to consider those in criminal law, when looking at that requirement.

The other reason I want the work permit process involved in this process, is that I'm uncomfortable, or rather, uneasy with the Board or Commission getting involved in this process. We already have an area of government tasked with looking out for Caymanians and they need to do their jobs. The inclusion of that section in this Bill is proof that they have not done their jobs properly and we should fix that process, as opposed to trying to find another Board to do it.

Mr. Speaker, we've all heard stories of Caymanians being unable to gain articles [of clerkship] by some of those firms. As you are aware, Mr. Speaker, more than ten years ago, your Cabinet appointed me to the Business Staffing Plan Board, and as such, I was able to gain valuable insight into this issue; but Mr. Speaker, the main issue that I would like to see the government [address], that I believe will really help more Caymanians get into the legal system, is to bring back the A-levels in government schools.

Mr. Speaker, as you're aware, there are more Caymanians studying in the UK today than they were before, and I believe that we should encourage more Caymanians to do so as it is less expensive than in the United States. Although I, myself, was educated in the United States, I told my son point blank when he was looking at universities, he can go to any university, as long as it was in the UK.

The lawyers we have today are the lawyers we have today, and as such, my focus is more on those today who want to be lawyers tomorrow, regardless of their age. I'm happy that my colleague for Newlands, the Deputy Leader of the Opposition, decided to pursue legal studies that will assist him in becoming a better legislator, and his commitment at this age and stage of his life shows that education is indeed a lifelong learning experience; thus, we must keep the door open for legal opportunities for all Caymanians, regardless of their age.

[Inaudible interjections]

Mr. Christopher S. Saunders: Yeah, well, the Member for Newlands has made it perfectly clear that he intends to stay here so he won't be practising.

Mr. Speaker, I want to turn my attention to the issue of professional misconduct. I'm sure that you, like me and other Members in this House, have heard the stories of lawyers behaving badly; and as tempted as I am to use my parliamentary privilege to name and shame some of them and share some of the horror stories that members of the public have shared with me, I will pass, as my late father always reminded me that *discretion is the better part of valour*. Simply put, Mr. Speaker, not because we can, means that we should.

Mr. Speaker, I once shared some of the stories with the Honourable Attorney General and asked him what can be done about some of those lawyers, and he reminded me of why we needed a more modern legal services legislation. I hope that this Bill will serve as a deterrent to some of them, especially those who specialise in repossessing people's homes. Mr. Speaker, some of the legal fees taken from the final amount for people who lose their homes are criminal, and I hope that this new Board or Commission will tackle this issue as one of their first priorities.

Mr. Speaker, as I said before, we cannot let the *perfect be the enemy of the good*. This Bill is not perfect, but it is an improvement on what is there now. We recognise the value and contribution that members of the legal profession have made in the development of our financial services industry and our Islands over the last half century and this generation and future generations will be indebted to them.

We also recognise that this Bill was done after discussions and consultations with many Caymanians in the legal profession, and we in the Official Opposition are appreciative of their efforts. They should all be commended. The Government started the process by bringing this Bill to Parliament. We, in the Official Opposition, did our job by reviewing the Bill, discussing the Bill with members of the public, and filing amendments that we believe will strengthen the Bill.

I can say that I'm really hoping that we can come to some agreement that will... one second...

[Pause]

Mr. Christopher S. Saunders: One second, Mr. Speaker. I really can't read this, you know. Mr. Speaker, I can't make this out. I now see what Arden was talking about.

[Laughter]

The Speaker: As long as you don't understand it and you can laugh, you can continue.

Mr. Christopher S. Saunders: I can say that I'm really hoping that we can come to some agreement that will not make this Bill an election issue, as the last thing we need is uncertainty in the legal profession and the financial services industry.

Mr. Speaker, it is my intention to vote for this Bill and to advance it to the Committee Stage, so that we can hopefully find some consensus; but make no mistake Mr. Speaker, [neither] my colleagues in the Official Opposition nor I, have any intention of the Cayman Islands being placed at risk.

Mr. Speaker, in closing, I just want to say again, thanks to the Attorney General and his team, and those in CILPA and ALPA who also took the time out to try to explain this Bill. As I said before, we're dealing with lawyers, it's very hard for them to agree on anything. It is one of the most contentious, adversarial professions that we have, so this was never going to be something straightforward and easy like what the accountants have—because everyone wants what the accountants have, but as you can see, we just live better with each other and we get along much better, but the lawyers now are a different story and that's just their adversarial nature.

[Inaudible interjection]

Mr. Christopher S. Saunders: Mr. Speaker, the most important thing that I want for us, is to be able to get some agreement at the Committee Stage. We may not get everything, but at least some principles need to remain.

As I said before, I have an issue with the Chief Justice being on that Board. I understand even he probably has an issue being on that Board. As I also said, even the Attorney General, as a Member of Cabinet and a Member of this Parliament sitting on that kind of Board, I think it goes against the grain of what we have because we don't put Ministers and Cabinet Members on those kinds of boards anymore. It is a practice that we have done away with.

Like I said, this is our financial services industry, this is not about economic survival. This is about economic existence. We're dealing with the people who bring business to our country and it's important for us to get this right. It may not be perfect, but we at least need to make it better than what it is today. When you look at the first Legal Practitioners Law in 1969, I think there were about five different definitions. When you look at this Bill today, there are probably about twenty or thirty-something definitions alone before you get into the Bill.

The issue of the affiliates is also one that we have also raised, which we think is also an issue of risk that needs to be looked at. Personally, I think it should all be done away with because we need to make sure that we have a system in place to hold people accountable that we can properly regulate. Like I said, I'm going to vote for this Bill to move to the Committee Stage with

the hope that we can find consensus or compromise, but at the end of the day, the overriding decision for me in this process is to make sure, once again, that our people can bring home the bacon and not become the bacon.

Thank you, Mr. Speaker.

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

The Parliamentary Secretary, Member for George Town South.

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

Mr. Speaker, I rise to make a brief contribution in support of the Legal Services Bill, 2020. Mr. Speaker, the Cayman Islands' legal services is a leading driver of our economy. It is one of Cayman's largest financial services exports. In a highly regulated global economy, the Cayman Islands' legal services must be regulated in order to retain the confidence of Cayman's clients and protect users of Cayman legal services here at home and abroad. This Bill is principally about protecting and enhancing our economy by ensuring that our legal services are effectively regulated.

Mr. Speaker, effective regulation is a hallmark of leading financial centres. With significant wealth at stake, Cayman's clients require a level of regulation in line with international standards. Cayman currently falls short of the required international standard due to our previous failures to pass a Bill to regulate attorneys' professional conduct; provide an effective disciplinary framework and ensure compliance with global anti-money laundering standards. Unless this Bill is passed, we risk damaging Cayman's brand and reputation and eroding client confidence in our jurisdiction. This would result in economic damage to our economy.

Mr. Speaker, passing the Legal Services Bill is the means by which we prevent this economic damage. This Bill would create a new regulatory framework through the adoption of a mandatory Code of Conduct, a disciplinary regime, and effective anti-money laundering supervision of attorneys. It would also bring all attorneys practising Cayman law, whether at home or abroad, within scope of the Code of Conduct and disciplinary regime. Mr. Speaker, this Bill is also about ensuring that we provide new opportunities for Caymanians to develop and progress their careers within law firms.

To that end, we have for the first time the Professional Development Regulations. These regulations provide a structured career development and progression framework for Caymanian attorneys, ensuring that the development and progression of Caymanian attorneys is a central responsibility of law firms. It achieves this by providing for a comprehensive mandatory training regime, and setting out new requirements for law

firms to provide scholarships, training opportunities, articles of clerkship, mentorship, business development opportunities, overseas experience, and promotion opportunities for Caymanian attorneys.

The passing of this Bill would transform the legal services environment for Caymanians in these areas and create new opportunities for Caymanian attorneys to develop and progress within law firms. It also holds law firms accountable by requiring the filing of an annual compliance certificate confirming their compliance with the requirements of the Bill and related Regulations.

Mr. Speaker, it is time now that we move forward to resolve this long-standing failure to regulate before it is too late and ensure that we take these steps to provide new opportunities for our Caymanian attorneys to develop and progress their careers within law firms.

Thank you, Mr. Speaker.

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

The Honourable Minister of Financial Services.

Hon. Tara A. Rivers: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a brief contribution to the Legal Services Bill, and the reason that I say brief, is because much has been said about the purpose of the Bill; its provisions, and its effects. I believe they have been duly and ably covered in the introduction to this Bill as presented by the Premier; but also, as covered by many other speakers thus far, so I won't necessarily repeat much of what was said.

[Instead], I would like to use this opportunity to reiterate what I think is the main purpose of the Bill as reflected therein, and basically expound my brief comments focusing on the main purpose. To reiterate, the purpose of the Bill is first and foremost, to regulate the practice of Cayman Islands law and, in doing so, create an opportunity to determine who is fit and proper to carry out the practice of Cayman Islands law. It also provides for a system of legal education, Mr. Speaker, and provides for a mechanism to deal with professional misconduct.

Now, Mr. Speaker, as has been indicated, and even just having had the experience of attempting to bring this piece, or a similar piece of legislation to this honourable House during the last administration, it is clear that not only have we moved on as a Parliament, but also as a country in recognising that continuing with the status quo is simply not acceptable. I say that to say, that in listening to the debate thus far, it is clear that we are all concerned about the fact that we have a piece of legislation that is governing a critical, critical, aspect of our economy—that is the practice of law—which ties very closely to a key pillar of our economy, being the financial services industry. However, Mr. Speaker, as this Bill rightfully attempts to regulate the

practice of law which goes beyond purely that of financial services, it is rightly seen in its purpose as being to regulate the practice of law generally, irrespective of what particular industry or focus within that practice, be it commercial, criminal, civil, family, et cetera.

Mr. Speaker, as has been discussed by a number of speakers—and I want to highlight and thank the Parliamentary Secretary [and] Member for Prospect for his discussion, particularly with respect to the provision related to recruitment of foreign qualified attorneys to the minimum of five years' PQE.

As we also heard from several contributions to this House, this is certainly an area that we will have to look at as a country, and the Council will have to look at closely in the future, because there are certainly pros and cons to codifying a higher PQE level versus a lower PQE level, as it relates to the foreign qualified recruitment for non-Caymanians in particular. As the Bill expressly says, the restriction does not apply to Caymanians and persons married to Caymanians because, again, it is a way to ensure that Caymanians, and those closely connected to the country, are given the first opportunities to get those junior level positions which are so absolutely critical.

Mr. Speaker, getting that foundation as a junior lawyer, getting your foot in the door, to then be able to move up the ranks, is an important aspect in many respects, although we heard concerns about law firms generally not hiring per se for those junior positions. The way it works in practice, is that many firms take on articling clerks with the intention to move those individuals who perform well at the articling phase to the next step.

From a policy perspective, Mr. Speaker, the reason that the five years' PQE, as I said, in addition to the representations that the Government got the last time and certainly, much of it was reiterated by some quarters this time around, about the need to make sure that Caymanian attorneys are given those opportunities to not just get the articles [of clerkship], but to transition from article [clerk] to junior associate in order to continue their progression within the profession. This allows the Caymanian attorneys as I said, to be able to take on those junior roles which in many respects...

The law firm environment is a business like any other. Like any other business for profit, they want to maximise their revenue but also their profits, and in many respects the junior attorney is given much of the—and I hate to use this term but it is the reality, it is the way the profession is—*grunt* work to be able to carry the wheels, the engines of the practice, because they are at a stage where they're still learning the profession.

It does create an economic incentive to have persons who are reliable, who are committed, and who are motivated, and in that respect, it also now by limiting the scope of being able to recruit to that junior level, it does allow opportunities for Caymanians who demonstrate that level of commitment; that level of interest;

that level of ability, to want to continue to stay within the practice of law. It gives them greater opportunities because now firms are having to consider looking for those individuals and cultivating and nurturing the talents from within.

Mr. Speaker, again, I think it's important for people, and when we talk about creating opportunities for Caymanians within the legal profession, this Government is certainly committed to that policy perspective and that is why we felt the five year PQE was what we were going to put forward in this Bill, but as has been discussed, there are pros and cons to any such position taken in this respect. The biggest part, I think, about helping Caymanians to progress in this profession when it comes to opening the door like we have done, by putting forward this requisite PQE level before you can look to recruit outside of the jurisdiction, is one such mechanism.

The most important mechanism for any junior lawyer, whether you are local; whether you are overseas—any person entering the profession of law, especially if you are entering in the corporate or the financial services related aspect of law, where there are the significant cross-border transactions, and you're acting in a transactional law capacity, it is a very competitive environment and it requires extensive commitment and long hours.

Mr. Speaker, I think in many respects, the first three to five years is when individuals get the opportunity [and] realise, they cut their teeth, but they also understand and appreciate what it means to really succeed in the profession. As I've said on many instances, and I guess I have a unique perspective in this, to be able to offer. The firms as we know, and as we've heard, local firms in this space do very well, but people work very hard as well, and we need to encourage that sense of understanding and appreciating and going into the profession with your eyes wide open as to what is expected.

Mr. Speaker, I'll give an anecdote of the experience that I had when I joined one of the leading global law firms in London where, again, you know, as a junior associate and just seeing how that firm was structured and how it was organised where, basically, you had your on-site cafeteria; on-site dental; on-site doctors; on-site gym—you even had on-site sleeping pods that could be reserved by associates as needed.

Mr. Speaker, quite frankly, in the first week I was quite amazed because I couldn't figure out, in a city such as London, it being one of the most vibrant cities in the world, why would they need to have all of those facilities right there on the premises, but it didn't take me very long to figure out why major firms make that kind of investment as a part of their operations. It is all about helping to provide convenience in order to maximise productivity, and in this profession, it is very much about the billable hours—how much you actually work and how much of it you can actually bill to your clients. Hence, by minimising the time wasted to move

back and forth to do various needed activities that may come up in the course of the day, that is essentially the ethos.

I can't tell you the number of times—because I truly cannot recall—that I needed to pull consecutive all-nighters just to get the deal done in time to meet the client's expectation because otherwise, it could cost the client millions of dollars. Mr. Speaker, I have to say that is coming from a firm that was often given human resource awards for being one of the best law firms to work for in terms of work-life balance.

It's just to say that, especially at that stage in your legal career, it is absolutely critical for us to create those opportunities for young lawyers to get the kind of experience that they need to get within the domestic framework but also, I think the disadvantage that Caymanian attorneys in particular, often find themselves in when they're being measured against their overseas counterparts, is not necessarily having the perspective that the overseas experiences bring. That is a fact, Mr. Speaker. That is how it operates, that is how you are measured with respect to what you bring to the table.

Mr. Speaker, allowing the ability for local firms, and the practice of Cayman Islands law to actually happen overseas, (and I'll speak to that in a little bit) also creates opportunities for our local attorneys to get that experience in those overseas offices, to broaden their own knowledge base, and their own experiences to make those connections; to make those relationships; to get the kind of client interaction that they may not necessarily get just by remaining in the home or domestic office. The ability of Caymanian attorneys to really advance in this area, is very much dependent on being given the opportunity to do so, which is something that this Government is really concerned about and looking to find ways to create those opportunities, but it's also very much dependent on the drive and the determination of the attorneys—the junior attorneys, in particular—to take advantage of those opportunities by seeking out the ability to get those secondments, or other types of exposure, that may be available within the network of their own firms.

As I said, this Government believes, and I wholeheartedly support, the need for Caymanian attorneys to get the first opportunity, especially in those early years, to get the experience, to develop the skills and discipline necessary to succeed as a successful lawyer; to prove themselves and, let's face it, prove their financial worth to the firms at which they work.

Again, Mr. Speaker, I believe that not accepting the reality of the situation, which is [that] the practice of Cayman Islands law is happening— and there are arguments about whether that is permissible or not under this particular construct of our legislation; to say that we should not move this Bill forward because of that situation, puts us no further ahead in addressing the problem that may be seen or put forward by some people in that frame. Mr. Speaker, the fact is that we need to get back to what is the primary purpose of this Bill,

and that is to regulate the practice of Cayman Islands law.

Now, the fact that this Bill allows for what is currently taking place which, as we have heard, is often a driver of the local economic engine, not to mention we were just talking about the frame of lawyers in particular, but Mr. Speaker, we haven't even talked and discussed the auxiliary services provided in the domestic economy as it relates to jobs for corporate service providers, directors, administrators, trustees, insurance managers, accountants, all of these other services that are provided by the initial relationship that is built with the attorneys who advise on Cayman Islands law and setting up Cayman Islands law structures. All of that benefits the local economy and local employment and as we have heard, and I can certainly attest to it first-hand having the experience that I've had by practising overseas, much of it is significantly enhanced and supported by the overseas offices.

Mr. Speaker, the reason I talked about and gave the illustration of what life can be like at times [with] the multiple all-nighters, if we did not, as a jurisdiction, have the ability to interact with Cayman attorneys 24/7 because some of these deals are so complex, they are on extreme time constraints that involve multiple jurisdictions—

[Inaudible interjection]

Hon. Tara A. Rivers: Different time zones. You need to be able to interact with your local counsel for these structures, that being Cayman Islands counsel, in real time. If we did not have that opportunity, we would likely not get many of the deals that we currently get such as:

- The joint ventures;
- The funds;
- Deals that are time-sensitive that require a jurisdiction such as the Cayman Islands that provides that neutral platform that is underpinned by the rule of law—English common-law-based.

For all that make the Cayman Islands attractive, there are many of our competitors, in particular, that offer similar draws; so if the Cayman Islands was not operating in this space, we would be at a distinct disadvantage because in this industry, more so than any that I can speak to, time is money. You need to be able to be responsive and have that real-time connection.

If we didn't have those opportunities, and the work came in the volume that it does now, dare I say, people here literally would not have any life. As I said, I lived that domain for quite some time, and it is certainly not what I would wish for everyone in the legal profession to have to experience— 24/7, seven days a week, in order to make a living and a career in this space.

Mr. Speaker, there are practical considerations to having that ability to support the domestic economy

and to support the jobs that are created as a result of the practice of Cayman Islands law locally, but also overseas, to help feed that business back to the jurisdiction, and as I said, not just within the classic lawyer space, but all of the support services that are created as a result of that business coming to the jurisdiction. It is something that we need to be very cognisant of when we are talking about potentially shutting a door which is already open, that we have already been operating for a number of years; a door that is open with respect to our competitor jurisdictions who would absolutely wait with baited breath to see us make that move so they could swoop in to take that business.

We need to be very cognisant of the competitive nature of this particular industry. As I said, Cayman has amazing products to offer. We continue to be innovative, the Member for Bodden Town West talked in very concrete terms, about the successes of our financial services industry as it relates to the support and really, the work done by attorneys in ensuring that we have the registrations of companies, of funds, of the insurance management space. All of that is facilitated by the practice of Cayman Islands law, so we know the tangible benefits more so now than ever, as it relates to COVID and the experience of surviving and thriving, dare I say, during this pandemic, from a financial services perspective—and I hope to be able to speak a bit more to that in a statement next week.

Mr. Speaker again, getting and reinforcing the primary purpose of this Bill, that being to regulate the practice of Cayman Islands law, and in doing so, determining who is fit and proper to carry out the practice of Cayman Islands law, it is incumbent upon me to express a sentiment that I feel very strongly about, as I expressed in 2017 when we debated the previous Bill. I still feel very strongly about it because, again, I can speak from a unique perspective and experience of being called in multiple jurisdictions.

I believe, Mr. Speaker, that as we've heard, this Bill is definitely a step forward. We cannot afford to do nothing. We cannot afford to do what has been happening for the past twenty years to say, we don't have the perfect law, so we need to throw our hands up in the air and then the status quo continues and the abuses that have been highlighted, et cetera, will continue without any sort of recourse because we have no legal basis to take, so we know that we need to do something.

I strongly believe that at some point we will need to ensure that, as part of regulating the practice of Cayman Islands law, and even being called to the Bar to begin with, [there is] the ability to demonstrate competency in Cayman Islands law, either by way of an examination such as the Bar examination which is required when you're called to the Ontario, Canadian, or New York Bar; or if you are in the United Kingdom, added to the Roll of Solicitors, that being the form of a qualified legal transfer test for those people attaining foreign legal education and training. I'm sure there are

numerous other Bars that have similar requirements, but those are the three that I'm most familiar with.

Mr. Speaker, I was surprised that [when] being called to the Bar in Cayman, it was the only Bar [where] there was no need to demonstrate competency in Cayman Islands law in particular—and it has nothing to do with being Caymanian or non-Caymanian but [rather], that when you are foreign-qualified and called here, you fall under the umbrella of being called in a Commonwealth jurisdiction. Now, I know, Mr. Speaker, [that] it is a practice we have continued. We have this from the 1969 Law and similar provisions exist in this law (*sic*).

Clearly, in the practice of law, the longer you practise the more you are assumed to have developed some level of competency. Again, Mr. Speaker, especially since we are moving the bar to five years' PQE as opposed to what was a policy decision of three years' PQE, I believe that in the next iteration of this law, should it pass here today, that the Council, who will be responsible for education and training and determining who is fit and proper to be called [to the Bar], should give serious consideration to how we include that kind of qualifying examination to demonstrate at least basic minimum competency in Cayman Islands law. For me, it is about protecting the reputation, and minimising and mitigating the risk of qualifying people to practise Cayman Islands law without necessarily knowing that they have the competency on day one to do so and hold themselves out to be Cayman Islands lawyers.

Again, Mr. Speaker, it is something that I felt very strongly about in 2017, and my feelings remain today because, as I said, I think the primary purpose of this Bill is, and should be, to regulate the practice of Cayman Islands law, and to determine who is fit and proper to hold themselves out to be Cayman Islands qualified lawyers and therefore, to protect the integrity of the profession, as well as the reputational risk of the jurisdiction and otherwise, and that may be one way to mitigate that, going forward.

Mr. Speaker, to quote the Chinese philosopher Lao Tzu: **"The journey of a thousand miles begins with one step"**, and even though I am already talking about how I would like to see the law further enhanced and improved before we actually have a law that has been passed, it does not take away from the fact that we need to pass a new, modern, piece of legislation such as that before the House today, in order to take that first step to move us beyond the situation where we are today, where we know the legal framework to support this very important industry is woefully lacking.

Mr. Speaker, with those few remarks, I would like to end my contribution by saying that I will be lending my support to the Bill. I look forward to having the discussions during the Committee Stage, or even prior, to talk about the various recommendations that have come out from both the Government bench as well as the Opposition bench because I believe, as I said, Mr.

Speaker, this time around, we are all approaching this with the view that needs to be taken, which is:

- What is in the best interest of the jurisdiction; and
- How can we get there in a way that we don't have a repeat of what happened last time?

Ultimately, the same people on both sides who were arguing to protect and promote, are no further ahead as a result of this House not finding a compromised position, so I really hope...

I look forward to doing just that, for the benefit of our people, as a whole; of our budding and upcoming, and seasoned attorneys alike; as well as all of those who work within the financial services industry and the broader industries that are positively impacted by the practice of Cayman Islands law, as I outlined earlier in my contribution.

With that, I thank you, Mr. Speaker.

The Speaker: I call now on the Honourable Minister of Finance who is going to speak at this time via Zoom.

The Honourable Minister of Finance.

Hon. Roy M. McTaggart, Minister of Finance and Economic Development, Elected Member for George Town East: Thank you, Mr. Speaker, and thank you for giving me the opportunity this evening.

Mr. Speaker, I rise to make a very short contribution to the debate on this historic Bill, the Legal Services Bill, 2020. Listening to the Premier recount the history of this Bill, and the time it has taken to get to this point, it clearly has to be a record in terms of time taken to develop a Bill that is agreeable and has the support of the majority of attorneys in this country, but here we are this week, debating this Bill and, barring any upsets, this honourable Parliament will likely approve it bringing to an end a very long, tedious, and let's be honest, sometimes contentious process.

The urgent need to have a modernised law to regulate and govern the legal services profession is one that cannot be over-emphasised. That need was identified from as far back as the late 80s and indeed, Mr. Speaker, I recall many a conversation during that time with my former father-in-law, Raymond Alberga, QC, of the need *then* for a modern legislative framework regulating the legal profession. It has also been identified as a deficiency in our financial services' legislative framework by several international peer reviews of the Cayman Islands over the years, so I know first-hand [that] it has taken at least 30 years; but if there is one thing that life has taught me, is that nothing happens before its time.

Mr. Speaker, the Legal Services Bill, 2020 will replace the Legal Practitioners Law to regulate the practice of Cayman Islands law domestically and internationally, and the salient matters addressed in the Bill as has been elucidated on thus far throughout the debate are:

- (a) The establishment of the Cayman Islands Legal Services Board as the regulatory authority [and] to be assigned as the Supervisory Authority for the purposes of the Proceeds of Crime Law (2020 Revision);
- (b) The regulation of the practice of Cayman Islands law;
- (c) The requirement of five years post-qualification for a person other than a Caymanian or the holder of a Residency and Employment Rights Certificate to be admitted as an attorney-at-law by virtue of a foreign qualification;
- (d) The practice of Cayman Islands law in other jurisdictions; and
- (e) Access to the legal profession and training and development of Caymanian attorneys-at-law.

Mr. Speaker, I would pause to say at this point that I unequivocally support the Bill that is before the House. I recognise that there are a number of amendments that are proposed at the Committee Stage, and I look forward to the healthy discussion and debate on those changes that will be proffered.

Over the years, Mr. Speaker, I have participated in many meetings: between Government and CILPA and its predecessors; and with individual attorneys and non-attorneys, as we consulted with and received representations from all concerned. The aborted attempt in 2016, to get an earlier version of this Bill approved by this honourable House was a disappointment to me; but while it was a disappointment, one of the positive consequences is that it has given us the opportunity to make this Bill better. Four years is a long time Mr. Speaker, and the environment we find ourselves in today, because of our efforts to find common ground from most of the contentious issues, is far different from it was back in 2016.

Mr. Speaker, many of the naysayers would seek to turn back the clock on many of the positive developments that have taken place in the legal profession over the past several decades. However, to do so would, in my opinion, cause irreparable harm not just to the legal profession, but to our financial services as a whole. Mr. Speaker, we cannot ignore the fact that in financial services, we are operating in a global arena and it requires a global presence. If we are to succeed and compete in this global arena, we must look forward, not backward, and we must seek to exploit every competitive advantage that we can identify for the Cayman Islands.

Mr. Speaker, I do not believe we can restrict the ability of Cayman Islands law firms to practise Cayman Islands law in foreign countries, and yet open our doors and our borders to foreign firms to come in and practise Cayman Islands law. That to me is inherently unfair and, in my view, makes the playing field very uneven and unequal. In this industry, like many others, if you don't evolve with the rapidly changing environment

very quickly, you are the loser. You will be left behind and you will soon have a failed business.

Mr. Speaker, Government has gone to great lengths to ensure that there are reasonable and practical provisions for the education, training—including articles of clerkship—of Caymanians aspiring to become attorneys of law. This ensures that the profession will remain attractive to our citizens, and once this Bill becomes law, what remains is for every person aspiring to become an attorney to step up and take advantage of all of the benefits that are made available to them by this law, including the ability to work in overseas offices of their employers. Mr. Speaker, one cannot ignore the many positive benefits that accrue to professionals who take advantage of these opportunities.

Mr. Speaker, I am a strong proponent of Caymanian professionals, whether they be lawyers, accountants, bankers, whatever, having and taking advantage of opportunities to gain experience working in foreign countries. I can share with you now my own personal experience.

Mr. Speaker, to my knowledge, in 1986 I was the first Caymanian professional accountant to accept a secondment to an overseas office of my employer, KPMG. In my 18 months in the United States, I worked in New York and Florida. The time overseas provided training and education opportunities that I could never have obtained in Cayman. It allowed me to establish relationships and network with diverse professionals, and exposed me to a more diversified portfolio of clients and industries to work in, such as manufacturing and distribution, than I would have if Cayman was my only experience.

I can say unequivocally this evening, it enhanced my promotion prospects and, indeed, it considerably shortened the time it took me to be admitted as a partner—seven years, versus the norm at that time of 10 to 12 years. Indeed, Mr. Speaker, I have two daughters who took advantage of similar opportunities, one for three years in San Francisco, the other for one year in Orlando. While they will tell you that they worked many, many long hours during that time, they will also readily acknowledge and tell you that it was absolutely the best experience in their professional careers to date.

Mr. Speaker, the Honourable Premier has quite clearly articulated what the clauses of this Bill seek to do, so there's no need for me to delve into it. In concluding my contribution to the debate on this Bill, I encourage all Members to give it their full support and vote in the affirmative when the time comes. The time has well passed, for the country to implement a modern legislative framework for the regulation of the legal profession, and I believe this Bill achieves that objective.

I look forward to voting in the affirmative when the time comes.

Thank you, Mr. Speaker.

The Speaker: The House will suspend until 6:20.

Proceedings suspended at 6:08pm

Proceedings resumed at 6:31pm

The Speaker: Proceedings are resumed.

Please be seated.

Continuation of the debate on Legal Services Bill, 2020.

The Honourable Attorney General.

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

Having listened to the Honourable Premier and all the others who have spoken so passionately and I dare say, eloquently about this Bill, I struggle to find much to say on the topic.

Mr. Speaker, my exposure to this initiative goes back to 2003. When I became Attorney General, one of the first things I was involved with was—if I might call it a summit—a Saturday summit at the home of one of the leading attorneys at the time. The Honourable Chief Justice, some very prominent attorneys and I spent the entire Saturday trying to come up with a solution in 2003, to address this issue. Seventeen years later we are standing here talking about the same thing. I dare say that some of the issues that were ventilated then are some of the same issues that are being put forward now as reasons why we shouldn't proceed with the Bill. As our Premier says, *well, if not now, then when?* We couldn't resolve them over 17 years. When are we going to resolve them?

Mr. Speaker, I think, having listened to the debate, having looked at the proposals that have been put forward, I am confident that we have more in common than what divides us on this particular issue. The differences are not insurmountable; they are not that huge. Some of them are philosophical but I think there is consensus that something needs to be done about this issue and so the only remaining contention, if I might put it that way, as the Member for Bodden Town West puts it is, *how do we go about it?* That is the issue.

Mr. Speaker, at the risk of repeating what has been said before, it is common ground that we need a modern piece of legislative framework to regulate the practice of law in and from within these Islands. Mr. Speaker, it is generally accepted, and I say generally, that the overseas practice of Cayman law is here to stay, and therefore the real issue is how best to regulate it.

Indeed, as the Premier pointed out, the status quo is clearly not an option. The practice of law is no longer a domestic vocation, Mr. Speaker. It transcends the territorial boundaries of these Islands. The provision of Cayman legal services and indeed, the financial services products, are very global in nature and are therefore sought after globally. Cayman Islands companies and other similar Cayman Islands structures can be described as the Ivy League of the financial services products. They are the quintessential financial

services products. It means therefore, that the international component of Cayman Islands legal services and the provision of the services itself, is integral to the economic sustainability of these Islands. The international component as we are well aware, is ably supported by the local practice in all its manifestations and by all of our very able and capable practitioners.

Mr. Speaker, the practice of Law since 1969 as we heard, has evolved and has become very sophisticated. It is due in no small measures to the fact that we have a world-class judiciary with some of the best judges in the world, and a world-class, independent legal profession. Very independent.

It is therefore important that the sophistication be reflected and supported by the appropriate legislative and administrative frameworks. Hence, the need for a contemporary piece of legislation. It is well overdue.

Mr. Speaker, it should be no surprise and indeed, it is understandable, that they are going to be differences of opinion. Indeed, as the honourable Member for Bodden Town West says, *lawyers are involved*. That's what we do for a living, we argue, we challenge, we object, we suggest and when we don't have our way, we appeal.

[Laughter]

The Attorney General, Hon. Samuel W. Bulgin: That's what we do; so people should not be surprised about the robustness of the debate.

Mr. Speaker, if I might just touch on a couple of issues that have been highlighted during the debate. One of them is section 26 of the Constitution and how that interfaces with what we are attempting to do here. It was suggested, if I understand the discussion correctly, that the creation of an appeal mechanism under the legislation is somehow inconsistent with section 26 of the Constitution, which is the constitutional guaranteed gateway to the Grand Court in instances where it is alleged that the Bill of Rights is being violated by public authority or public figure.

Mr. Speaker, it is an unfortunate misunderstanding of the provisions of section 26. Section 26 is a constitutional provision—a guaranteed right to the Grand Court for redress. It is in the Constitution. It cannot be derogated from by local legislation or primary legislation. It is not inconsistent with having a redress by way of appeal to the Grand Court or the Court of Appeal on a particular issue created by primary legislation; by statute.

Indeed, we have these sorts of arrangements now, Mr. Speaker. We have various appeal tribunals. It needs to be borne in mind that if you have adjudication by the Council and by the Disciplinary Tribunal, the majority of the issues arising from those adjudications will not be Bill of Rights matters. Section 26 will only be engaged if there is an allegation about, for example, whether they got a fair hearing in front of the Tribunal

or whether they got a fair hearing in front of the Board. That's the only way section 26 will be engaged.

If that is engaged, the person who is aggrieved, has a constitutional right to petition the Grand Court for redress. If there are other issues arising from the adjudication of the Council as it will be called, or the Tribunal, you deal with those by way of an appeal. You don't file a constitutional motion for those. There is no legal impermissibility for the *[INAUDIBLE]* to exist, Mr. Speaker.

Mr. Christopher S. Saunders: Point of—

The Speaker: Are you rising on a Point of Order?

Point of Elucidation

Mr. Christopher S. Saunders: Point of Elucidation, Mr. Speaker, for clarification.

The Speaker: Is the Member willing to give way?

[Inaudible interjection]

The Speaker: Continue.

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

Honourable Attorney General, for my own clarification and the listening public, I understand that there is a new Disciplinary Tribunal that may be used. Is it a situation then that because the Chief Justice wouldn't be on that disciplinary issue then any conflict with the Grand Court would have been removed and as such that problem would in essence be fixed?

Thank you, Mr. Speaker.

The Speaker: The Honourable Attorney General.

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

The committee stage amendment will, among other things, create a Disciplinary Tribunal which is going to be independent of the Council itself. What is proposed there is that you will have the Tribunal that is to be headed up by a retired judge and he or she will have a panel of about seven others.

If there is a referral from the Council to that Tribunal, whoever the chairperson is of that, he or she will be able to select two persons from that seven, entirely up to him or her who those two persons are, to sit with him or her to treat with the disciplinary matter. No referral back to the Council. Nothing at all to do with the Council. That is entirely up to them. They make the decision as to whether there is guilt or innocence, and if there is guilt, they make the decision as to what the sanctions should be. Completely separate and independent from the Council itself, Mr. Speaker, and from

that Tribunal, straight to the Court of Appeal. That is the position.

Mr. Speaker, under the current Legal Practitioners Law, section 7, it is the entire Grand Court that is the body that is responsible for disciplining an attorney. If there is an aggrieved lawyer who is affected by that, under section 8 of the Law, that person appeals to the Court of Appeal, so it is not entirely dissimilar from the construct that we have now.

The point I was trying to make there is that the ability, if you will, to have to resort to section 26, if there is an allegation of say, absence of fair hearing, then the person's right to petition the Grand Court is guaranteed by the Constitution and cannot in any way be derogated from by the primary legislation that is passed here. There is no conflict, Mr. Speaker. I hope I clarified that for the honourable Member's sake.

That allows me to segue into the perceived conflict because of the composition of the Board. Let me say from the outset, that as far as I am aware, neither the Attorney General nor the Chief Justice volunteered for that matter, to be on the Council or the Board.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, this came about out of sheer necessity, because you heard the argument, and it is a source of disappointment to us; and I say so. It is a source of disappointment to us that we have almost 900 attorneys in this country and they cannot agree among themselves that five or seven of them should come together and form a governance council to regulate themselves.

The accountants do it, and it works fine. However, there is a level of distrust that pervades the legal profession. I don't know where it comes from, Mr. Speaker.

[Inaudible interjections]

The Attorney General, Hon. Samuel W. Bulgin: It has been going on for years.

[Inaudible interjections]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, that aside, they are excellent colleagues; very capable attorneys, nothing to do with their competence. There's just another side of it which says, *well, I don't want you to be exposed to my books of business and vice versa. I don't want you to be exposed to what I am doing.*

Out of sheer necessity, we with all our other areas of responsibilities are saddled with this thing. I do hope, Mr. Speaker, I do, that as soon as this is set up and they can see that something can work, and they can among themselves agree, then certainly, the Chief

Justice, and certainly, this Attorney General can transition out of that role and get on with what we are paid to do.

Mr. Speaker, we need to get something going. As the Honourable Premier (*sic*) said, *the journey of 1,000 miles begins with the first step*. I think we need to get to the point where we set the structure up and then hopefully be able to transition out of the role, so that they can regulate themselves. Ideally, it should be a fully self-regulatory body in the same way that the accountants are now self-regulatory.

[Inaudible interjections]

The Attorney General, Hon. Samuel W. Bulgin: That's your next assignment.

Mr. Speaker, it is also helpful to point out, I think I speak for the Chief Justice as well without fear of contradiction, that we should be able to identify potential or perceived conflict, if they do arise. If the Board is going to be seven as is being proposed, then clearly we should find a way to recuse ourselves from these matters and the Board should still have enough to be quorate to carry on the business of the Council.

That hopefully should help, but I heard the Member for George Town Central mention, in a very apologetic way, that the AG might be biased. I know he means well, I take no issue with what he says, but Mr. Speaker—

[Inaudible interjections]

The Attorney General, Hon. Samuel W. Bulgin: Oh no, he means well. He always means well.

[Inaudible interjections]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, I just want to clarify for honourable Members that in my current role, wearing my present hat, I do, on a daily basis, deal with many matters concerning lawyers. Certificate of recognition for practice; corporate lawyers who want to set up their corporate practice by way of recognised entity. It is the Attorney General who issues those certificates. The work permit matters for lawyers coming into the Islands, it's the Attorney General who deals with those matters.

Many disciplinary matters, people assume that it's the Attorney General because under the Grand Court Act, the Attorney General is *ex officio* Head of the Bar, so people automatically assume that the AG is the one who disciplines lawyers, so matters come to me first. On a number of occasions, we redirect them to the Grand Court, Chief Justice. He would then have a look and determine whether it is something that he needs the assistance of the AG's Chambers to deal with to do the legwork; but they still hear it under section 7 of the Legal Practitioners Law.

The point I'm making is that as we speak, there are several roles that are performed by the Attorney General. I have never heard—maybe it has been said somewhere, I mean I can't say that I listen to all the media and read all of them—any sort of serious allegation of bias so far, Mr. Speaker. I don't know what will happen on Monday.

[Inaudible interjections]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, similarly, the Honourable Chief Justice in his current [role], as we speak today, performs several roles relating to lawyers, numerous roles. As I said, he is, and his judges are currently the disciplinary authority for lawyers. They have always been under section 7 of the Legal Practitioners Law, and I have never heard any allegations about the Chief Justice being bias in that respect. Quite the opposite; people speak about what a fair person he is.

Mr. Speaker, he also is a central authority under the Mutual Legal Assistance (United States) Law and he deals with pertaining matters, and if necessary, one of his Grand Court judges will deal with any challenges thereto.

We are not perfect, but what we do now is facilitate the wheels turning. That's what we do. We facilitate the wheels turning for the time being. I mean of course we are not going to be forever. What is being proposed is that in high times, we improve on what we have so that you don't have persons or officers who occupy the posts of the Attorney General and Chief Justice wearing several hats and being saddled with several different responsibilities. Mr. Speaker, we are trying to facilitate that.

[Inaudible interjections]

The Attorney General, Hon. Samuel W. Bulgin: The thinking as the Honourable Premier says here is that we get a basic foundation in place with this piece of legislation, we set it in train and then we see how we can improve on it very quickly.

The honourable Member for North Side spoke about the need for a more structured way of dealing with the articulated clerks and the need for guaranteed upward mobility and training. I agree with him, Mr. Speaker. The truth is that we have a law school now. The various law firms, they don't usually advertise it but some of the law firms have training programmes. The Caymanian, well it used to be the Bar Association, CILPA, some of the lawyers there volunteer their time at the law school and they also have in-house training programmes for young attorneys where they can sensitise them and make sure that they remain contemporary in terms of what is happening in the development of law.

The professional development regulations that will be accompanying this primary piece of legislation

helps to put that in a more structured way. The hope is that as soon as the Council is in place and we have the right sub-committees, then all of these things will be examined and input will be solicited and so we can get what hopefully, would be an agreed sort of structure in place to address some of these lingering concerns. That, of course, also goes for the issue concerning the PPC courses.

There are some other issues that the Honourable Premier, no doubt, will touch on in his closing, but overall, I think the synergy, if I might call it that, is very encouraging. I was here in 2017 when the Bill imploded. It was different then, the feeling was different, and you could tell that something wasn't right about it. It is quite the opposite.

Not everyone is comfortable with what we have here but it is a good start. I would understandably wish to join with those who have spoken before, in saying, let us try to get this basic structure in place and then work to improve upon it going forward.

Therefore, I commend the Legal Services Bill, 2020 to the honourable Members of this Parliament.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

I'll call now on the Honourable Premier for his right of reply.

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker.

Mr. Speaker, I start by thanking all Members of Parliament, those who spoke and those who have given their tacit approval to this very important Bill.

My take away from the debate is that there is support for what we are attempting to achieve by this Bill. That is, to put in place a modernised legislative framework to regulate the Cayman Islands legal profession. It appears to me, Mr. Speaker, that when we have a divergence of views, the challenge simply is, how do we best get to that desired outcome?

Before the deliberations in Committee on the Bill, we are hoping to meet with honourable Members on the opposite side with a view to discussing their proposed committee stage amendments to see how best we may narrow the differences. However, it is clear from the debate thus far, that we have more that we agree on than we actually have differences. Therefore, Mr. Speaker, I believe that based on the way we went about addressing the concerns about the Defence Bill, which we passed at the last Meeting of the House, that it is well within the competence and capacity of Members of this House for us to narrow the differences on this particular Bill.

Mr. Speaker, in winding up, please allow me to touch on a few matters, even at the risk of repeating

myself. I promise you, sir, that such repetition will be for emphasis and not tedious.

The Honourable Leader of the Opposition spoke about his opposition to what he referred to as, *the wholesale licensing of hundreds of persons who have been holding themselves out overseas as Cayman attorneys*. Mr. Speaker, so did the honourable Member for North Side who suggested, I believe, that they should be put in jail.

Well, Mr. Speaker, the reality is that there has been and still is no legislation whatsoever governing the practice of Cayman Islands law overseas and therefore, it must follow that there can be no penalty in respect of such activity. This Bill, Mr. Speaker, will address that particular issue.

Mr. Speaker, the Honourable Leader of the Opposition also suggested that the law firms in Cayman should be subject to the Trade and Business Licensing Act. However, section 3 of the Trade and Business Licensing Act expressly provides that it does not apply to a trade or business licensed or registered under another Law. Therefore, if lawyers are going to be regulated by the Legal Services Act, it is not clear to me why they should also be singled out to be brought under the Trade and Business Licensing Act as well.

I'm also struggling Mr. Speaker, with the argument that seems to suggest that the lawyers in the affiliate offices should be subject to some sort of work permit regime. I just don't follow the logic of this observation in circumstances where these persons are not within the territorial boundaries of these Islands and therefore would not otherwise be subject to our immigration laws.

The Honourable Leader of the Opposition said that whatever is being done should be fair and proportionate but contrary to his own proposition, he is advocating for executing a sum equivalent to a work permit fee for a person who is not working in Cayman. Where in those circumstances is the proportionality? Is he suggesting that there should be a penalty otherwise disguised as a work permit fee?

Mr. Speaker, those lawyers who practise Cayman Islands law overseas currently pay no fee at all. What the Government is proposing is that we have an enhanced fee for the practising certificate, I believe what we are proposing is \$5,000 a year compared to the \$2,000 that is paid by persons who are admitted to practise locally.

In addition, they would, in our contemplation, also be added to the number of lawyers that the respective firms with whom they are affiliated have on the roll, and that the operational fee for those firms would be adjusted to take into account the increased number. The fee that would be attracted as a result of that would be applied, because the operational fee licensing regime is on the basis of the number of lawyers that you have. You pay a certain amount depending on the number that you have.

Mr. Speaker, the Honourable Leader of the Opposition also asked the question, *how much will Cayman be getting out of it?* Now I know that the Honourable Leader hasn't spent any time at all in the financial services industry, although I believe that he is generally aware of the importance of that industry to Cayman's overall economy.

I have already stated, Mr. Speaker, in as clear terms as I can, the ongoing enormous economic benefits, as well as the career opportunities for Caymanians arising out of the provisions of Cayman legal services abroad. The Deputy Leader of the Opposition also chronicled his personal knowledge of how the system works and of some of the obvious benefits.

Mr. Speaker, on the issue of affiliate offices, I have already stated the Government's position, but I will repeat it for emphasis. The Government has made a policy decision that we will be addressing this issue as part of the legislative exercise.

Mr. Speaker, at the risk of repeating what the Honourable Attorney General said about the issue raised about section 26 of the Constitution, I will say this: The existence of an avenue of appeal from the Council or the Tribunal to the Court of Appeal, is not and cannot constitutionally abolish the right under section 26 of the Constitution, to seek constitutional redress for any alleged breaches of a constitutional right, including the right to a fair hearing, neither does it abolish the right to judicial review.

Section 26 of the Constitution is a guaranteed access to the Grand Court and the Court of Appeal for breaches of a constitutional right. It cannot be taken away by primary legislation. Accordingly, even with the avenue for an appeal to the Court of Appeal from the Council or the Tribunal, if there is an allegation of breaches of the Constitution, the aggrieved person has a right to file a constitutional matter in the Grand Court with a right of appeal all the way to the Privy Council.

It is a misunderstanding to think that the Bill which will be an Act, that is primary legislation, can somehow abolish a constitutionally guaranteed right of access to the Constitution, if it is not legally possible. I do hope I helped to clarify the position.

Mr. Speaker, again, if we are able to find an agreed replacement for the Chief Justice and Attorney General on the Council, I can assure this House that they would be most happy not to be included given all of their other responsibilities.

This is a new dispensation that this Legal Services Act will create and we really do need a couple of safe pairs of hands to help guide the transition. The lawyers themselves cannot agree on who should be appointed, and therefore, Mr. Speaker, we are not about to risk—after all of the effort and the length of time it has taken—this Act not being bedded in properly and to finally give Cayman the modern system of regulation of legal services in this jurisdiction that we have long lamented the absence of.

Hopefully, Mr. Speaker, before too long, we will again see some sort of amalgamation of the interest of the respective law associations and if not consolidation, at least an agreement to cooperate in the overall best interest of the profession, the industry and the country as a whole. Until then, someone needs to steer the ship and I do not believe that we can find better than the Honourable Chief Justice and the Honourable Attorney General.

In any event Mr. Speaker, it should be pointed out that the Chief Justice being in charge of regulating lawyers is nothing new. That indeed, has been the case since 1969 and is still currently the position under section 7 of the Legal Practitioners Law. Indeed, it is the entire Grand Court, not just the Chief Justice, that has the remit of regulating attorneys for misconduct.

Section 7 (*sic*) of the Legal Practitioners Law reads as follows: If the attorney is aggrieved by the decision of the Grand Court or the Chief Justice, he has the right of appeal to the Court of Appeal. Mr. Speaker, that is no different from what is being proposed under the Legal Services Bill.

Mr. Speaker, the issue of opportunities for Caymanian articulated clerks to be afforded an opportunity for employment in a law firm is currently not dealt with by any legislation. This Bill attempts to fix this by saying, among other things, in the professional development and regulations that, *a law firm shall, after an interview for a position of association to each articulated clerk...*

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Sorry, Mr. Speaker. We are attempting to fix this in this Bill by ensuring that every lawyer who qualifies who wishes to be an articulated clerk has an opportunity to be interviewed by a law firm for a position, placing the onus on the law firms to actually make an extra effort to ensure that Caymanians who have qualified are given every opportunity. 'Qualified' in the sense of having obtained a degree—have an opportunity to get articles [of clerkship] so that they are ultimately able to qualify as attorneys-at-law. The Bill goes on, as will the regulations, which will assist in spelling out in more detail the obligations.

The Bill, for the first time, if not guaranteeing that Caymanian qualified lawyers are able to get employment, it certainly goes a long way in doing so and will require firms to make extra effort and to provide greater opportunities for professional development and upward mobility in law firms, which has long been one of the biggest complaints about this particular profession and industry.

Mr. Speaker, I have said before in this forum and elsewhere, that frankly, law firms have not done anywhere [near] enough over the years to provide opportunities for Caymanian lawyers to be able to move to the highest echelons within the law firms and to share in the equity of those law firms. I have told them most recently in various meetings, the firms have had

50 years to find out how to give Caymanians those opportunities.

No one is ever going to convince me that the accounting firms can do it, but somehow, there is some impediment, some lack of ability, seemingly in Caymanian lawyers that prevents them from ultimately being able to share in the in the partnership, in the equity of law firms at the highest level and to be able to exercise some influence over the management of the big firms.

It is and has been, Mr. Speaker, just in my view, a policy decision that the ownership of the big law firms will be retained by a certain cadre of people and among them are not to be Caymanian lawyers. When I say Caymanian, I mean in the sense of Caymanians born of this soil, not persons who have been made Caymanian over time.

Mr. Speaker, I do hope that this Bill, the debate that has raged in this country for decades now, will have helped to change the attitudes and the culture of firms and the partners in those firms about how they treat Caymanians who have qualified; who have the interests; who have the ability; who have the ambition to rise to the highest levels within the major law firms. For I do believe, until we get Caymanians, who are of this place, in control of the firms, the opportunities for other Caymanians, young Caymanians, to be able to climb up the ladder are going to continue to be limited.

I do hope Mr. Speaker, that it has become apparent that what has existed for all of these years, all of these decades, is no longer acceptable and that the next generation of Caymanians are not simply going to sit and accept that they can be salary partners but can't share in the equity and can't share in the control of firms.

This is an incredibly lucrative jurisdiction. It bears little resemblance to the industry, to the profession into which I was admitted 32 years ago, last month. I think I was, as I said, the 65th or 67th lawyer to be admitted. There are now 996, I am told today. In 32 years, that is an absolutely astonishing increase and development—and it is good for Cayman. We ought not to gainsay that. At the same time Mr. Speaker, enough Caymanian lawyers have not been able to climb the ladder to control in these firms and I do not believe that that has been principally because of a lack of ability or desire or ambition.

I hope that by passing this Bill, I hope when it is assented to and gazetted before the end of the year that this will usher in a new era of the practice of law in this jurisdiction. One which recognises the inherent ability and potential of Caymanian lawyers; respects it; and gives to each one the opportunity to be the best that they can be.

Mr. Speaker, I am long enough in the tooth and in the 60th year of my life, I am not still so naive to believe that every person who gets a law degree and gets admitted to the bar is capable of becoming the Senior Partner of a major international law firm. Everyone is

not made the same way, but every one of those Caymanian lawyers who does qualify should have the opportunity to do so if they have the wherewithal to make it. There should not be artificial barriers placed in their way to keep them from achieving that ultimate goal.

I am telling you, Mr. Speaker, and this House that right now many, many Caymanian lawyers do not believe they can ever reach that highest level, regardless of how much they do and how well they do. They believe that there is a certain level they will get to, they'll get remunerated very well, but that is what they should satisfy with or move on. That the ownership and the control of many of the big firms is reserved for a certain cadre of professional. That has got to go. That mindset has got to change. As I said, I pray, I pray that the passage of this Bill will usher in a new era.

It is Mr. Speaker, a good time at the end of the year, at the end of what many will call a terrible year, 2020, a great opportunity to start anew, to start afresh, not just generally, but with respect to the way the legal profession operates in this country.

I thank all honourable Members again for their contributions and I commend this Bill to the House.

[Desk thumping]

[Inaudible interjection]

The Speaker: I wasn't applauding, I was trying to get the microphone, but I should have applauded.

The question is that a Bill shortly entitled Legal Services Bill, 2020 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Mr. Speaker, I call for a division.

The Speaker: Clerk, divide please.

[Crosstalk]

Division No. 44-2020

AYES: 14

Hon. Alden McLaughlin
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart
Hon. Joseph X. Hew
Hon. Tara A. Rivers
Capt. A. Eugene Ebanks
Mr. Bernie A. Bush
Hon. Barbara E. Conolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.

NOES: 0

Hon. V. Arden McLean
Mr. Alva H. Suckoo, Jr.
Mr. Kenneth V. Bryan
Mr. Christopher S. Saunders

ABSENT: 4

Hon. Moses I. Kirkconnell
Hon. Juliana Y. O'Connor-Connolly
Mr. Anthony S. Eden
Mr. D. Ezzard Miller

[Crosstalk]

The Speaker: The results of the division are 14 Ayes, 4 Absentees. The Bill has therefore been given a second reading.

Agreed: The Legal Services Bill, 2020, was given a second reading.

The Speaker: Honourable Premier.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker.

Mr. Speaker, I move the adjournment of this honourable House until 10am on Monday the 14th.

The Speaker: The question is that this honourable House stand adjourned until Monday, 14th December, 2020. God willing.

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

AYES.

The Speaker: The Ayes have it.

At 7:26pm the House stood adjourned until 10am Monday, 14th December, 2020.