



**PARLIAMENT OF
THE CAYMAN ISLANDS**

OFFICIAL HANSARD REPORT

**FIRST MEETING OF THE
2020/2021 SESSION**
Seventh Sitting

**Wednesday
16 December 2020**
(Pages 1-77)

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

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PRESENT WERE:

SPEAKER

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

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. Dwayne S. Seymour, JP, MP	Minister of Health, Environment, Culture and Housing
Hon. Roy M. McTaggart, JP, MP	Minister of Finance and Economic Development
Hon. Tara A. Rivers, JP, MP	Minister of Financial Services and Home Affairs

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Ms. Barbara E. Conolly	<i>Deputy Speaker</i> , Elected Member for George Town South
Capt. A. Eugene Ebanks, JP, MP	Elected Member for West Bay Central
Mr. Austin O. Harris, 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, MP	<i>Deputy Leader of the Opposition</i> - Elected Member for Newlands
Mr. Anthony S. Eden, OBE, MP	Elected Member for Savannah
Mr. Christopher S. Saunders, MP	Elected Member for Bodden Town West
Mr. Bernie A Bush, MP	Elected Member for West Bay North
Mr. D. Ezzard Miller, MP	Elected Member for North Side
Mr. Kenneth V. Bryan, MP	Elected Member for George Town Central

APOLOGIES

Hon. Juliana Y. O'Connor-Connolly JP, MP	Minister of Education, Youth, Sports, Agriculture and Lands
Hon. Joseph X. Hew, JP, MP	Minister of Commerce, Planning and Infrastructure

**OFFICIAL HANSARD REPORT
FIRST MEETING 2020/2021 SESSION
WEDNESDAY
16 DECEMBER 2020
1:37 PM
Seventh Sitting**

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

The Speaker: Good morning.

I call on the Honourable Minister of Finance to grace us with prayers.

PRAYERS

Hon. Roy M. McTaggart, Minister of Finance and Economic Development, Elected Member for George Town East: Thank you, Mr. Speaker. Good afternoon, colleagues; let us pray.

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

Bless our Sovereign 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 and 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 now resumed.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

**Retirement of
Mrs. Sharon Smith - Deputy Clerk**

The Speaker: Thank you.

Honourable colleagues, as most, if not all of us are aware, today I have to announce that the Deputy Clerk, Mrs. Sharon Smith, will be retiring at the end of this month. I think tomorrow or some point this week might be her last day at work.

Ms. Sharon, as she has been affectionately known to us, has been with the Parliament for the past 47.5 years. She joined the Legislative Assembly on Friday, 1st June, 1973 in the post of Assistant Clerical Officer under the guidance of Aileen Bodden, who was the Clerical Officer at that time. The Legislative Assembly had five members of staff and the House consisted of 12 elected Members and three Official Members.

Ms. Sharon has since held the positions of: Clerical Officer, Executive Officer, Senior Clerical Officer, Assistant Clerk and then Deputy Clerk, a post she has held from 2001 to date.

When she first joined the Assembly, our National Hero, Mrs. Sybil McLaughlin, was the Clerk and His Excellency the Governor Kenneth Crook, was the Presiding Officer. Since that time, she has worked under four Presiding Officers (four Governors) and seven Speakers with Ms. Sybil being voted in as the first Honourable Speaker in February, 1991.

Ms. Sharon has seen many changes to the Legislative Assembly over the past 47 years, including just this month, the change to Parliament of the Cayman Islands and the autonomy of the now Parliament. The Parliament has grown over the years with Ms. Sharon's assistance, and she has shared her wealth of information and experience with new staff and Members alike.

We, as Members of the Parliament; the Clerk and staff of the Parliament are eternally grateful to Ms. Sharon for her education, dedication and commitment to the Legislative Assembly—now the Parliament of the Cayman Islands—and her service over the past 47.5 years. She has served sterlingly well with her institutional knowledge.

Ms. Sharon, I have found, is a gem of knowledge for this House. Her memory of the details of exactly how things are to be set down is unsurpassed. She has helped to make my 36 years much easier. The quiet demeanour she displays, and her disposition, we all recognise and find a desirable trait and an admirable character. In these times we are living in, I don't know that we can find such dedication to be in Parliament for 47 years.

When I came here, she was 11 years into her employment and even at that time, as young Members, we could go and get information from her that others did not know; and when there were arguments, she could balance them because she knew. She had the experience. I remember arguments were solved many times because we went to Ms. Sharon and she would say, 'see here, this is where you find it' or 'this is how it is.'

I am terribly sorry to see her go, particularly so at a time when we are moving into a new era of parliamentary life. We have a future ahead of us, but we shall remember her.

[Desk pounding]

The Speaker: The Honourable Deputy Governor.

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

Mr. Speaker, I rise to join you in thanking Ms. Sharon for her 47 years, which is an extraordinary amount of time to serve the country. I think we all owe her a depth of gratitude for the work she has done. She has been a gem and has helped all of us in our daily routine in this honourable House.

On behalf of all of us in the Civil Service and indeed the entire government, I want to sincerely thank Ms. Sharon for her dedicated service and we wish her God's blessings in her retirement.

The Speaker: The Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition, Elected Member for East End: Thank you, Mr. Speaker.

I could not let it pass without paying tribute to Ms. Smith.

The Speaker: Yes, Honourable Leader of the Opposition. I should say that I recognise this is a special retirement to us and while it is not on the Order Paper

as such, we should allow anyone to voice their congratulations, to an extent, but also their feelings on her retirement.

The Leader of the Opposition.

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

Mr. Speaker, as I said, I take this opportunity to pay tribute to Ms. Sharon as well. I think there are three of us here who came to *[Parliament former Legislative Assembly]* 20 years ago; the 15th of November made it 20 years. I don't know if it was because I am from East End and so is she, but she had so much patience with me and Captain Eugene. She displayed such grace and knowledge. I know many times in our early years the Premier and I had difficulties and she eased such difficulties for us; and to this day she does. To this day she does.

Mr. Speaker, I am sorry to see her go as well; the knowledge she has is the same institutional knowledge I have been talking about for a very long time. We must hold on to it as long as possible. I hope we can make other arrangements and convince her to stay, particularly with the young, new people in this Parliament. Certainly, Mr. Speaker, we expect that at some stage, all of us will go and new ones will come in. It is a revolving door. The knowledge Ms. Sharon holds in her head and at her fingertips is the knowledge any parliament needs. I watched Mr. Brancker out of Barbados. He passed in Office in his late 80s because the knowledge was there. I watch the Serjeant in the House of Commons; in their 80s because of the institutional knowledge they bring to parliaments around the world.

Mr. Speaker, I really hope that your good self — and others, if I am needed, I will gladly volunteer to try to convince her to spend a few more years, particularly with us going into an election in less than five months. It is necessary. I understand her leaving mid-term or something of that nature. We do not know the outcome of the election, but we need Ms. Sharon here to do all those things and pass them on to others.

[Desk thumping]

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

Mr. Speaker, I applaud Ms. Sharon because of her longevity. Her tenure in service to this country when she was getting nothing [while she] raised a family. She could have done other things; 47 years, none of us will ever outlive that, none of us, and very few in the Civil Service will ever do so. It is a tenure worthy of many accolades.

This country—not only me and other Members here—owes this lady a debt of gratitude for staying here for this length of time. I know we are hiring young and new staff members; they can gain so much from this lady.

Mr. Speaker, again, I congratulate Ms. Sharon. I wish her well without wishing her well, if it is about her departure, and hope she will be here to at the very least see this election through and a couple of years into the next cadre of legislators.

Mr. Speaker, I thank you and I wish everything good for Ms. Sharon.

The Speaker: The honourable Member for Savannah.

Mr. Anthony S. Eden, Elected Member for Savannah: Thank you, Mr. Speaker.

Mr. Speaker, as the second-longest serving Member in this honourable Parliament—second only to you as I head into my 29th year—dealing with Ms. Sharon has been a wonderful experience. As many frustrations as many of us go through as politicians, Ms. Sharon was always a calming person. I have never seen her lose her cool. She is always pleasant and very helpful and to serve 47 years in one post, no matter where, is an admirable job and I would like to say to her may God bless her and continue to give her good health.

Long may she retire, but I would like to second what my colleague for East End said. If in due course, the powers that be could see that Ms. Sharon is kept on for a period of time, because she is probably older than many Members of this Parliament and we need to look up to her and wish her all the best.

May God bless her and keep her healthy.

The Speaker: The Member for George Town Central.

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

I rise also to send my congratulations, if it is to be perceived by her in that way. If she truly intends to fully retire, congratulations to her for all her hard work and to say thank you.

As you know, the new Members have only been here for four years and I must say that many times her and other members of staff have helped guide me through my role and responsibilities, so if she does in fact retire I wonder whether there is a way for her to transition to ensure all that wisdom doesn't go with her. It could potentially be a subcontract to help her be available to assist that transition, particularly going from a Legislative Assembly to a Parliament. If something like that is not formulated, I want to send congratulations on her very hard work over the many years and [thank her] for the democracy of this country. It is vital.

Many people may see us as Members arguing debates and creating legislation, but the hard workers of democracy are never celebrated. There are so many other members of this honourable House who do the work to keep our society safe, clear and structured who never get the glory. This is one such time, so I want to take this opportunity to say thank

you for being a part of creating a democracy where I have been able to have a wonderful life unlike many other countries, and she has been a core part of that.

Ms. Sharon, thank you. God bless you in your endeavours and hopefully I can get a little more information before you finally leave.

The Speaker: The Member for Newlands, the Honourable Deputy Leader of the Opposition.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition, Elected Member for Newlands: Thank you, Mr. Speaker.

Mr. Speaker, I also want to rise and give my congratulations to Ms. Sharon, as the Member for George Town Central said, if she perceives it that way.

Mr. Speaker, as usual, not five minutes before we started this Sitting I was running into her office asking her for copies of documents.

Something I observed then, and have always observed, is that after 47 years of dealing with us and these urgent requests, the response is always the same — she stopped what she was doing, interrupted a conversation, and rushed to get me what I was asking for. Mr. Speaker, it is that kind of support that I think we all appreciate very much, coming from people like Ms. Sharon because she is never imposing; she has never tried to engage, but she has always been supportive. When things in here get heated and in a bit of disarray sometimes, it is that calming influence that really helps.

I have been around for almost eight years now and I have never seen that lady say anything in anger or exhibit any sort of aggression or attitude. She has always been very helpful and nurturing, so I didn't want to miss the opportunity to thank Ms. Sharon for all she has done for me and all honourable Members [present] and past. When you think about 47 years of putting up with politicians she deserves some form of long-suffering award as well.

[Laughter]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: I just want to wish her well and say a heartfelt thank you, Ms. Sharon for all that you have done for this Parliament, which is what we are today.

Thank you.

[Desk thumping]

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: Mr. Speaker, I too want to offer my congratulations to

Sharon—as I always call her—for all these years of hard work, dedication and assistance to many generations of legislators.

She was hired at a time before Cayman had laws about child labour because there is no way she could have been the age of majority when she was hired, because she is not that much older than me. Forty-seven years in a job is just incredible, so maybe we want to think again about the age at which people can probably go to work and how long they can stay at work. I thought my mother had done well, 36 years in one job in the Civil Service, but 47 years is 11 plus that.

Sharon has always been an incredible source; I regard her as an institution, quite frankly. The knowledge that she has of how things are done and where to find information is something that will be sorely missed. She does, though, I believe, deserve retirement if that is what she wishes and I look forward to seeing her at her husband Henford's farm, which is right next door to mine up in the East End bush, on a more regular basis than I usually do.

Again, I wish her all the best and happy retirement.

The Speaker: The Honourable Deputy Premier.

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, I too would like to join voice with my colleagues to say congratulations. I came in here almost 16 years ago and started off calling her Ms. Sharon; that has graduated to Shay. She greets you with the same smile and the same professional manner every time you interact with her or ask her for help. I would say that she treats us all the same and helps us with anything we ask her to help us with for the Parliament.

I want to say to her that I ask God to grant her His richest blessings for the rest of her life, but also for all that she has done for our country, our Parliament and for Members of Parliament.

Thank you, Mr. Speaker.

The Speaker: The Honourable Minister of Financial Services.

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs, Elected Member for West Bay South: Mr. Speaker, given the accolades that have been expressed today, there is not much for me to say, but a heartfelt thank you, Ms. Sharon for, as was expressed earlier, being the steadying hand often in times of urgency.

Thank you for all the assistance you have rendered to me over the years as a Member of this (now) Parliament.

The Speaker: The Honourable Minister of Finance.

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

Mr. Speaker, I join with all of my colleagues today in recognising Ms. Sharon on the occasion of her retirement. I am wishing her a very long, fruitful, and enjoyable time in retirement.

Mr. Speaker, when I heard she had been here for 47 plus years, I gasped. I don't know how someone stays in one place for that length of time, but she has and she is an institution in her own right in this Assembly and Parliament. Whenever I have had occasion to deal with Ms. Sharon, I have always found her to be very cordial, responsive, and helpful; ready to share her knowledge about things.

I have always found her to be like a walking encyclopaedia when it comes to things to do with Parliament, parliamentary procedures and Standing Orders. She is a tremendous resource and has been so for many years to everyone within this Parliament. I do wish her well; I do not know who will succeed her in the role, Mr. Speaker, but whoever it is, has some big shoes to fill.

Again, congratulations and best wishes on your retirement, Ms. Sharon. I hope she is listening.

The Speaker: The Honourable Minister of Health.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing, Elected Member for Bodden Town East: I was hoping that I did not have to get up so many things have already been said, but as the only Minister East of Prospect, I wanted to ensure that our wonderful eastern ladies got the respect they deserve and to actually hear it from me.

What I am about to say, Ms. Sharon probably is not going to like me for it. I am asking her not to leave. I know the family well and have much respect for Ms. Sharon. I have never seen a person, especially while sitting in a chair, be able to say and direct so many things just by saying one word. She need not say much; she has so much experience that she could direct you with a finger. After working at a place for 16 years, I would say I had worked somewhere long only to hear that someone worked 47 years. There are probably not many people in this world who will ever work 47 years in one place.

As I said, I know the family well. She will definitely be missed. I hope she considers coming back at some point to ensure that she passes on some traits to whoever takes over.

Thank you so much, Ms. Sharon, for the work that you have done for this country and the assistance you have given to so many Members who have passed through this House over the past 47 years; seeing it as the LA [*Legislative Assembly*]. She almost caught vestrymen.

[Laughter]

Hon. Dwayne S. Seymour: Thank you so much Ms. Sharon.

God bless you and your family.

The Speaker: The Member for Bodden Town West.

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

My mother taught me to never pass up an opportunity to tell someone 'thank you'. On behalf of myself and the people I represent, I would like to thank Ms. Sharon for her years of service to this country. Considering that I am 47 years of age, she has been here pretty much since the day I was born, which says a lot.

[Laughter]

Mr. Christopher S. Saunders: From my own experiences with her, she has been very professional and very knowledgeable, but more importantly, she has always been very welcoming and courteous. I really hope that somewhere along the line, with what she has seen and experienced here, she decides to write a book or document her knowledge [because] it is a lot.

For her to have witnessed so much history in that period of time must have been something remarkable. Considering the journey and what many of our Caymanians women have done in regard to laying the foundation of what many of us benefit from today, I want to thank her and the generation she represents for what they have done and what they pulled through considering that we have computers, laptops, et cetera; but when they started they had nothing like that so it must have been a hell of a thing to see such a transition in such a long period of time.

I want to say thank you, Ms. Sharon for all that you have done and will continue to do within the community.

The Speaker: The Member for North Side.

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

I too would like to express my sincerest gratitude to Ms. Sharon for all the help she has offered me the two times I have been here. I want to say to her: **"Well done, thou good and faithful servant."** Go in peace, rid yourself of us and enjoy your retirement.

[Laughter]

Mr. D. Ezzard Miller: Thank you very much.

The Speaker: The Member for West Bay North.

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

I too have to give many thanks to Ms. Sharon. Many times I have gone and sat down and asked her opinion on certain things and she was always very forthright. Something that was outstanding was, never did you see her bring any problems to work from home. She was always the same, level person.

Thank you, Ms. Sharon. Thank you.

The Speaker: I think, as they say in prayer meetings: If all hearts are clear, we will move to the next item.

[Crosstalk and laughter]

PRESENTATION OF PETITIONS

The Speaker: None.

PRESENTATION OF PAPERS AND OF REPORTS

The Speaker: None.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

QUESTION NO. 5 IS GOVERNMENT CONSIDERING CHANGING THE REQUIREMENTS FOR THE REGISTRATION OF ELECTORS

The Speaker: The Honourable Leader of the Opposition, Member for East End.

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

Mr. Speaker, question No. 5 standing in my name asks: Can the Honourable Deputy Governor say if the Government is considering changing the requirements for the registration of Electors?

The Speaker: The Honourable Deputy Governor.

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

The answer: The Government is not considering changing the requirements for the registration of electors.

Supplementaries

The Speaker: The Honourable Leader of the Opposition.

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

Mr. Speaker, I wonder if the Deputy Governor can tell us whether there has been any proposal to do so.

The Speaker: The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Speaker, I am not aware of any such proposal.

The Speaker: The Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Thank you, Mr. Speaker. I guess that is just the nature of the business we are in.

Mr. Speaker, then I am sure the Deputy Governor will confirm that Caymanians born of Caymanian parentage or with a Caymanian grandparent will not require an acknowledgement letter that they are Caymanian.

The Speaker: The Honourable Deputy Governor.

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

Mr. Speaker, firstly, the Elections Office takes great care in selecting its registering officers so they are knowledgeable of the law, the Constitution, and in particular, the immigration laws that govern the acquisition of the right to be Caymanian, whether by birth, descent, or by grant.

We have heard the suggestion that persons should go to Work Opportunities and Residency Cayman (WORC) to get a letter acknowledging they are Caymanian. The Elections Office is desirous of that not happening, and is now working with both e-Government and WORC to ensure that no one is denied their voting franchise by having to go through various hurdles. We believe the process should be seamless; in other words, with their knowledge and experience, the registering officers can register potential applicants by looking at the documentation provided.

The Speaker: The Honourable Leader of the Opposition.

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

Mr. Speaker, I hear the Deputy Governor say the Elections Office is desirous of such not happening; can he say whether such outrageous suggestion has been absolutely and outright rejected?

[Crosstalk]

The Speaker: The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Speaker, I am advised by the Supervisor of Elections that in the strongest of terms, he has pushed back against that requirement and his office will continue to do everything possible to avoid that from happening.

The Speaker: The Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I will turn this into a question; I just want to read.

The Speaker: Yes.

Hon. V. Arden McLean, Leader of the Opposition: On Form 4 in the law, which is *Application for Registration as an Elector*.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Out yonder? Okay. Oh, Lord.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I am asking if you have accepted it; that is all, but I will tell you where I get it from, since that is what you want.

Mr. Speaker, section 2 on that form says, "My place of birth is (place and country)." Section 3 says, "One of my parents or grandparents was born in the Cayman Islands, namely (blank - the full name), a parent/grandparent, and I enclose a copy of his or her birth certificate (delete as appropriate)." Now, that is extremely clear, since the Premier wants to know. He knows that I will say precisely where it is at, but I wanted to find out first whether the Government was considering this. The Deputy Governor is saying "there has been pushback"; I do not know what pushback means. I know rejection.

Mr. Speaker, it is my understanding that the Ombudsman's Office is proposing that indigenous, generational Caymanians electors should be required to get acknowledgement from WORC that they are Caymanian — the acknowledgement letter that has caused so much controversy in this country — before they can be registered. Now you got it?

Please provide for the public what the Government is doing, so that we will know whether I am right or wrong.

[Inaudible interjection]

The Speaker: The Honourable Deputy Governor.

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

Mr. Speaker, that has been an issue with the Ombudsman; like I said, the Elections Office has made representation that they do not believe it is necessary; however, I know the Member will know that the Ombudsman is responsible for maladministration in the Civil Service. If she makes such a recommendation, the Government will probably be duty-bound to go with it. She is—

[Inaudible interjection]

The Deputy Governor, Hon. Franz I. Manderson: All I am saying, sir, is that the Ombudsman has parliamentary oversight, not my office. If the Ombudsman makes a recommendation, Mr. Speaker, it is my understanding that we are duty-bound to do it and if we do not, she will report us to Parliament, so we are working with her to ensure we do not get there.

That is all I can say, Mr. Speaker. We respect the Ombudsman's Office. On this occasion, we do not agree with her recommendation and I think her office is now working through that.

The Speaker: For clarity, Honourable Deputy Governor, you are saying that if she makes a recommendation, the Civil Service is duty-bound to address the recommendation, not to put it in place? That is the clarity I need.

The Deputy Governor, Hon. Franz I. Manderson: No, sir. If the Ombudsman tells us to do something, whether it is to stop doing something or to change something, we are duty bound to accept it. That is her mandate, and she reports to Parliament.

[Crosstalk]

The Speaker: Thank you, sir.

Hon. V. Arden McLean, Leader of the Opposition: This is the right place for her to bring it [to]. Right there. Unna want East End talk on it now? Right here.

Mr. Speaker, I am somewhat disappointed but you know, this is what you get when you hire people coming off the plane and they discover a stenographer's pad and consider themselves journalists and have no point of reference anywhere in the country called the Cayman Islands; and then they want to do whatever they want with what we, as a people, have legislated but, more importantly—

The Speaker: Honourable Member, I know this subject is a hot one, but bear in mind we are at Question Time.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I appreciate that.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: Are you answering the question? You cannot be answering questions. He has responsibility for the Portfolio.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Well, you should have done so from the beginning.

Mr. Speaker, I am disappointed that the Deputy Governor said that the Civil Service would be duty bound to accept it.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, he is now saying he might have used the wrong word, "consider".

[Inaudible interjection]

The Speaker: ...Member, because that is what I sought to have clarified — whether the Honourable Deputy Governor was saying that they are duty-bound to consider the request; but he is saying that as a civil servant he is duty-bound to *accept* although they know it would be reported against them to the Parliament. I think that is what he said.

Hon. V. Arden McLean, Leader of the Opposition: Yes, Mr. Speaker, I appreciate what he is trying to tell us but, by the same token, the election is supervised by the Civil Service and that is my concern. Whether it was acceptance or consideration, put it to the Executive or what? I do not know which one it is, but if it is an acceptance, it means we are going to change the requirement.

[Inaudible interjection]

The Speaker: The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Speaker, maybe I can be helpful in a minute.

This is not a done deal. Obviously, the Ombudsman has contacted the Elections Office and has put representations forward. The Elections Office has responded, and she has not made a final decision.

Obviously, I think what is being said here now would be instructive to the Ombudsman, but like I said, at the end of the day, she is part of the oversight body of the Civil Service. She has a good governance function and, again, we have to take her recommendation seriously; but again, I think what Members are saying here is very powerful, and I would hope it would be taken into consideration.

[Inaudible interjection]

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I normally would not respond to anything like this, not just because someone else has responsibility for the subject, but because it relates to the electoral process; however, this is very, very worrying and it will worry a number of people in this country if it remains unclear.

[Inaudible interjection]

The Speaker: Yes.

The Premier, Hon. Alden McLaughlin: The Ombudsman is a creature of the Constitution and the Constitution sets out electors' qualifications in section 90(1). It is therefore indisputable, Mr. Speaker, that the Ombudsman cannot change the requirements or qualifications of electors because they are established by the Constitution.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Not even this Parliament can change electors' qualifications, and Mr. Speaker, I am saying on behalf of the Government: If any such effort to do so is made by the Ombudsman, the Government will challenge those decisions in the court as a constitutional infringement.

[Desk thumping]

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

The Speaker: The Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I shall walk side by side with the Premier and go to the Court with him, because that is why I wanted the Civil Service arm to say they rejected it and there was no need for it to be written; but it's the people in the Ombudsman Office who are insisting.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Who come here lately, and they are Americans and it's not going to happen in the Cayman Islands as long as Arden McLean has breath and the ability to walk and talk. It is not going to happen; and surely, if the Ombudsman has such ability to be the Ombudsman, she must know that anything enshrined in the Constitution, she's not going to change.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: And surely, she must further know that this piece of legislation called the Elections Law was done based on the Constitution. That office or any other office must first come through this Parliament.

Mr. Speaker, this is where the laws to govern our people are made, and it will not be subject to getting additional stuff that we do not approve of — 'we' meaning the offices in here, these 19 offices. The gall of these people.

The Speaker: Honourable Members, earlier I said that we recognise the seriousness of what is being discussed, but it comes through at Question Time and so we have to be careful—unless Members agree that you want a general debate; but, we are not at that point, so I will allow one more supplementary question from the Member for George Town Central.

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

In light of what has been discussed, can the Deputy Governor say: Has the Office given them an indication when they're going to make their decision?

Just a little background for the question; because the Deputy Governor has just said as civil servants they're practically obligated to listen to those instructions. If there is not an order whereby you have to require this letter in order to register, and as the Civil Service you feel obligated to do so, the Civil Service being different from the Government...

[Inaudible interjection]

Mr. Kenneth V. Bryan: Where my concern comes in is that if you are saying you are obligated to do your job which is separate from the Government's job and you will do so and mandate such, it puts a hindrance on any Caymanian in order to vote.

We need to get this matter resolved now, with a clear direction from her office to say this is not a matter to be pursued, because we may have an *electoral crisis* in our hands. We need a determination that she will not go forward with that; thus, I'm asking: has an indication of a deadline been given, because we do have the voter registration deadline coming up very shortly which will be my second supplementary question in respect to dates, if the good Speaker gives way.

The Speaker: We could traverse this ground quite a bit because it's a wide, hot issue. It's a serious issue, but we cannot. As I said, unless a Member moves for a general debate, we cannot continue in that vein. I am not encouraging it, I am just saying that I will have to stop the supplementary questions at some point.

Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Speaker, to answer the Member's question, the last dialogue with the Ombudsman was held last week.

As to his other questions, in terms of what happens if she makes the order, the Premier has very clearly given the position of the government which will be the position of the Civil Service. If such an order comes, then, in consultation with the Government, we will challenge it.

[Crosstalk]

Mr. Kenneth V. Bryan: Mr. Speaker.

The Speaker: The Member for George Town Central. I did say last supplementary; if this has not been covered then proceed.

Mr. Kenneth V. Bryan: Mr. Speaker as you rightfully said, sir — and I obviously have to obey your orders, clarity is very important in this. I heard from the Deputy Governor that they're obligated to [follow] those instructions.

Am I hearing now that they're not obligated to those instructions on the basis that the Government has said they would challenge it? That needs to be clear.

The Speaker: Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Speaker, so I am very clear: When the Ombudsman makes an order, the Civil Service is duty-bound to carry it out, *unless* our option is to challenge that decision in court.

The Government has said that would be their position [and] therefore it is the position of the Civil Service. If such an order is made, it will be challenged in court. I want to be as clear as possible.

[Crosstalk]

Mr. Kenneth V. Bryan: Mr. Speaker—

Hon. V. Arden McLean, Leader of the Opposition: I know, I know, but—

The Speaker: The Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Every time the Deputy Governor speaks, he keeps repeating this thing about "he's duty-bound to carry it out". Now, Mr. Speaker, here is where that bothers me, and the Premier may want to—

The Speaker: Sorry, I don't want to cut your train of thought, but after the Honourable Premier has given an absolutely clear direction I think [the Deputy Gov-

ernor] said they would be duty bound to go with that because I think it would be a Cabinet matter. I thought that's what he said either directly, or alluded to.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, we need to clarify this with our people.

We're in that season where our people are coming of age and want to get registered. Those in that same age bracket already got this thing about they need to get a letter of acknowledgement that they are Caymanian; if the Deputy Governor is saying the Civil Service is duty-bound to accept it, it conjures up a different thing. Whilst he says his people are trained by Mr. Howell and what not, I do not want anyone out there mistakenly telling any potential elector that to be able to register as an elector they need to go and get an acknowledgement in addition to the rest of it.

Mr. Speaker, this has been going on in the same manner since 1959, and here we are with confirmation that a constitutional office is bringing pressure to bear that we need to change it mid-stride; and the Premier gets up and says it's in the constitution and cannot be changed. The practicalities of it are also in law, but it can be manipulated to say, "*well in addition to, we need to get that*". This falls under the Governor, you know, Mr. Speaker? It is one of his special responsibilities.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Here we go with section 81 again, which has that potential.

[Crosstalk]

Hon. V. Arden McLean, Leader of the Opposition: That's what I am afraid of, Mr. Premier. I'm terrified of that.

Mr. Anthony S. Eden: Mr Speaker, not a question but—

The Speaker: The Member for Savannah.

Mr. Anthony S. Eden: Thank you. As my colleague from East End just said, my concern is they're saying it will be challenged in court. Given recent happenings in the judiciary, I don't trust some of them! I am sorry.

We must get something thicker than going to the judiciary. If we say in our Constitution — although I know there are parts of it, certain things we must abide by the law, but I have grave concern if we as Caymanians are forced to challenge things in a law that we put in our own Constitution.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Mr. Speaker, though I conceded to the Leader of the Opposition, I have something off that topic in respect to the registration, if that's okay? Thank you, Mr. Speaker.

Can the Honourable Deputy Governor say whether the Elections Office is ready, prepared, and equipped for the upcoming election? Are there any general updates they can give to this honourable House and the listening audience regarding the numbers and preparation?

[Crosstalk]

The Speaker: Honourable Deputy Governor, are you able to deal with that? It's more a substantive question than a supplementary one. If not, perhaps you could get the information in writing?

The Deputy Governor, Hon. Franz I. Manderson: Mr. Speaker, I can say the Elections Office is well advanced in its preparations. As of 1st of January, we expect the voters' list to include some 22,241 voters, which I think is history-making.

Under the leadership of Mr. Howell, who has now taken up his duties as Supervisor of Elections full-time, the Elections Office is well advanced in this work.

The Speaker: Next item.

STATEMENTS BY THE HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: The Minister of Finance has a statement.

Minister of Finance

Renewal of Sister Islands' duty concessions

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

Mr. Speaker I rise to make this statement in respect of the Cabinet's recent approval and renewal of import and stamp duty concessions set to expire on the 31st of December 2020.

Mr. Speaker since July 1996, several import and stamp duty concessions have been in place in order to stimulate and encourage economic activity in the Cayman Islands but particularly, the Sister Islands of Cayman Brac and Little Cayman. These concessions, which have been extended on several occasions, most recently in December 2019, are:

- A 100 per cent import duty waiver on building materials imported to the Sister Islands;

- A flat 15 per cent import duty rate on building materials imported to Grand Cayman;
- 12 and a half cents per gallon representing a 75 per cent reduction on import duty on gasoline imported to Cayman Brac; and
- 100 waiver of stamp duty in respect of land purchases on Cayman Brac

Mr. Speaker, notwithstanding the many years that these concessions have been in place, the impact on the Sister Islands' economic growth remains inconclusive mainly due to other factors that continue to challenge the economic development such as lacklustre population growth; indeed, it is estimated that in 2019 the Sister Islands' population increased by 1.9 per cent or 42 persons compared to 2015, when the last evaluation was conducted.

In 2018, Cayman Brac's per capita GDP was estimated at 32.6 per cent of that for Grand Cayman. Given this very significant, or substantial, income differential, a uniform rate of duties for the Sister Islands and Grand Cayman is regressive or inequitable for those in Cayman Brac.

In considering the renewal of these concessions and the continuing economic plight of the Brac economy, Cabinet approved additional concessions to provide more stimulus to the Brac economy. The revised package of concessions is as follows:

- 100 per cent import duty waiver on building materials imported to the Sister Islands;
- A flat 15 per cent import duty rate on building materials imported to Grand Cayman;
- 100 per cent import duty waiver on gasoline imported to Cayman Brac;
- 100 per cent import duty waiver on household appliances imported to Cayman Brac — this includes refrigerators, dishwashers, water heaters, pumps, washers, dryers, ranges, cooktops and ovens;
- 3 per cent stamp duty on the purchase of property that has already been built upon in Cayman Brac; and
- 100 per cent stamp duty waiver in respect of land purchases on Cayman Brac subject to certain conditions.

Mr. Speaker, the package of concessions will become effective on the 1st of January 2021 and is set to expire on December 31st, 2025; it demonstrates our Government's commitment to supporting sustainable development that will fuel growth and provide job opportunities for the Sister Islands' residents.

Thank you, Mr. Speaker.

The Speaker: The Member for George Town Central.

Standing Orders 30(2)

(Short questions during statements)

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker. I rise under Standing Orders 30(2) to ask the Minister short questions on the statement.

[Inaudible interjection]

The Speaker: A short question, yes. Proceed honourable Member.

Mr. Kenneth V. Bryan: Mr. Speaker, I apologise I did stand under Standing Orders 30(2)—

The Speaker: I understand.

Mr. Kenneth V. Bryan: Which says—

The Speaker: The Standing Order permits you to ask a question.

Mr. Kenneth V. Bryan: No, no; Mr. Speaker, unfortunately it does say it allows short questions—plural.

The Speaker: Well, that's why I corrected you. You said a question.

[Laughter]

Mr. Kenneth V. Bryan: So, Mr. Speaker, are we agreeing that it is plural? Questions.

[Inaudible interjection]

The Speaker: No. As the Presiding Officer, I will take it to see where you're going; but you're allowed a question.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker—if it's okay for this honourable House; but it says "*No debate may arise on such statement, but a presiding officer may allow short questions to be put to the Members making a statement for the purposes of clarification.*"

The Speaker: Honourable Member...

Mr. Kenneth V. Bryan: Yes, sir?

The Speaker: If you're going to get that meticulous, the Chair can too.

Mr. Kenneth V. Bryan: Fair enough.

The Speaker: Please proceed with the questions.

[Laughter]

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

Mr. Speaker, can the Minister of Finance say [whether] any specific reports have been done to ensure the savings from these duty waivers which the Government and the Cabinet have approved are transferred down to the average buyer and consumer? I ask because we hear complaints all the time about prices in the Sister Islands.

The concern is all these duty waivers yet prices are still more expensive than in Grand Cayman... As a government, how are we offering these duty waivers? Are we ensuring those prices are trickling down to the average person in Cayman Brac and Little Cayman?

The Speaker: The Honourable Minister of Finance.

Hon. Roy M. McTaggart: Mr. Speaker, the answer is that there are no specific things the government undertakes to ensure these incentives are specifically passed on. Yes, I recall, and I know, I am aware, that there are price differentials between goods available in the Sister Islands and Grand Cayman.

I think Members need to be aware, as well, that there are additional costs to people living in the Sister Islands namely, the transport of goods from Grand Cayman to Cayman Brac and Little Cayman that are factored into the pricing before it gets to consumers. Short of actually going into businesses and seeing whether they're passing these on in their pricing, Mr. Speaker, the government does not have means to be able to ensure that.

The Speaker: Member for George Town Central.

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

Would the Honourable Minister be willing to support an appropriate report to investigate the processes of the transfer of goods to the Sister Islands and where the costings are, because at this particular point we're shooting from the hip?

For all we know, the Cayman Brac businesses are consuming all the savings that we are offering to the Sister Islands; meanwhile the consumer, the average person who goes to the store or the gas pump is just paying the high prices. Without a scientific report from professionals in that field, the Government is shooting from the hip. The intention is to offer savings for Cayman Brac, and if we don't do it in the appropriate way, we might just be making other people rich.

My question, Mr. Speaker, is [whether] the Government [is] willing to support a proper report to support the concept of offering those savings to Cayman Brac and Little Cayman so the average Caymanians in the Sister Islands actually get the benefits.

The Speaker: The Honourable Minister of Finance.

Hon. Roy M. McTaggart: Mr. Speaker, I will commit to undertaking that discussion with my team to see what can be done and how best to approach and develop such an inquiry.

[Inaudible interjection]

The Speaker: Next item.

[Inaudible interjection]

The Speaker: The Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, under 30(2) I want to ask the Minister: What kind of matrix or management system do you use to see if these are being passed on — especially on gasoline?

The Speaker: The Minister of Finance.

Hon. Roy M. McTaggart: Mr. Speaker, I think I said earlier that the Ministry does not have a particular means to ensure that these savings are passed on; that we hope, and we believe, retailers in Cayman Brac and Little Cayman do pass on the concessions that are granted by the Government, but that we have no specific metrics — that I am aware of — to measure it.

There's a potential that when we do the Consumer Price Index reports, Mr. Speaker, they would show up there.

The Speaker: The Leader of the Opposition.

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

Mr. Speaker, I appreciate the Minister's admission and it's hard. It's hard. Not that it's any fault of yours; but right now as I understand it, gasoline in Little Cayman is somewhere around KYD\$8 a gallon, and if you now take 12.5 per cent off it is 70-80 cents, somewhere in that region?

Hon. Roy M. McTaggart: Member, it is 12 and a half cents a gallon.

Hon. V. Arden McLean, Leader of the Opposition: 12 and a half cents?

Hon. Roy M. McTaggart: Yes. Not per cent, so it's the remaining 25 per cent of the original fuel tax; it is 12 and a half cents a gallon.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: It gets worse.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I wonder if we have done something to see if...

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I know. I know, my friend. I know, but...

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Seventy, eighty, miles? I was just under five.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: With big profits included. You mean to tell me it takes nigh on three dollars to get it from [Grand] Cayman to Cayman Brac?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Is that reasonable? Has anybody looked into the transportation cost because, usually, Mr. Speaker, transportation cost is somewhere around 10-12 cents from the...

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I know. They stop in [Grand] Cayman and Cayman Brac. Stop there first, whichever direction they are going in; and usually, gasoline (fossil fuel) transportation will not go over 15 cents a gallon... and over three dollars? Where is the Utility Regulation and Competition Office (OFREG)?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I wonder if OFREG has done anything to look into this matter.

The Speaker: I take it that was the end.

[Inaudible interjection]

The Speaker: Is that a question that you are capable of dealing with at this time?

Hon. Roy M. McTaggart: Mr. Speaker, I'm not able to address the issues he raised. They are beyond my knowledge and the scope of the information I have before me.

The Speaker: Next item.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING THE MATTER OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

COMMITTEE ON BILLS

The Speaker: The House will now go into a committee of the whole House.

House in Committee at 2:51 p.m.

The Chairman: Please be seated.

Honourable Members, as usual we will authorise the Attorney General to correct minor errors in this particular Bill.

Legal Services Bill, 2020

The Clerk:

Clause 1 Short title and commencement.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause one passed.

The Clerk:

Clause 2: Interpretation.

The Chairman: Clause 2. Honourable Premier.

Amendment to clause 2

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

In accordance with the provisions of Standing Orders 52(1) and (2) I, Alden McLaughlin, the Premier,

give notice to move the following amendments to the Legal Services Bill, 2020:

One: That the Bill be amended in clause 2 as follows:

- a) By deleting the definition of "Board" and substituting the following definition: "Council" means the Cayman Islands Legal Services Council established under section 3;
- b) By deleting the definition of "company" and substituting the following definition:

Company means:

- a) A company as defined in section 2(1) of the Companies Act (2020 Revision), or a Limited Liability Company as defined in section 2 of the Limited Liability Companies Act (2020 Revision).
- c) By inserting in the appropriate alphabetical sequence the following definitions:
 - "Disciplinary tribunal" means the legal services disciplinary tribunal established under section 81;
 - "Electronic" has the meaning assigned to it by section 2 of the Electronic Transactions Act (2003 Revision)
 - "In-house Council" means an attorney-at-law who provides legal services solely to the attorney-at-law's employer, including a statutory authority that is an employer, or other entities that are part of the same group of entities as the employer.
- d) By deleting the definition of "law firm" and substituting the following definition:

"Law firm" means:

- a) An attorney-at-law practicing Cayman Islands law in the Islands as a sole practitioner; or
- b) A recognised law entity practicing Cayman Islands law in the Islands;
- e) In the definition of "recognised law entity", by inserting after the word 'company', the word 'partnership'.

The Chairman: The question is that the amendment stands part of the clause. The matter is open; is the Premier speaking further to it or...

The Premier, Hon. Alden McLaughlin: Mr. Chairman, essentially, the impact of these amendments is to change the name of the board to Council; to place into the definitions a definition of disciplinary tribunal;

to include in-house council as part of the definition of attorney-at-law; to define what a law firm means — that it can mean a sole practitioner and a recognised law entity practicing in the Islands.

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

If not, the question is that the amendment stands part of the clause. All those in favour please say Aye; those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

The Chairman: The question now is that clause 2, as amended stand part of the Bill. All those in favour please say Aye; those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 2 as amended passed.

[Pause]

Hon. V. Arden McLean, Leader of the Opposition: No, no; I don't have to withdraw anything. I have to move mine that had to be voted down because these amendments were circulated by the opposition—

The Chairman: That's not what is in question though, Honourable Leader of the Opposition. It is whether you want to move or withdraw your amendment.

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

[Inaudible interjection]

The Chairman: Well then, he has to move the amendment.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman I will, but I notice that the Government has 50. Mine are only 76, which most of them are just consequential amendments, so I guess we are going to be here a little while, to get all these done— 50 plus 76.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: 126.

[Inaudible interjection]

The Chairman: As I said, you would have to move your amendments or withdraw them.

The Premier, Hon. Alden McLaughlin: Well, Mr Chairman, I hope that wasn't a complaint from the Leader of the Opposition, because we spent the best part of three hours trying to reach some sort of agreed position with respect to his 78 amendments; but we made almost no progress at all, so we'll just have to go through the process.

Hon. V. Arden McLean, Leader of the Opposition: Yeah, I mean the progress...

The Premier, Hon. Alden McLaughlin: Christmas is not until next Friday. Next week Friday.

Hon. V. Arden McLean, Leader of the Opposition: Well, New Year is the week after that, if we are trying to count down the days.

The Chairman: So honourable Member, are you moving your amendment?

Hon. V. Arden McLean, Leader of the Opposition: Yeah, and then we'll see what the Government says.

The Chairman: Okay.

Opposition's Amendment to clause 2

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, in accordance with the provision of Standing Orders 52 (1) and 2, I—the Honourable V. Arden McLean, Leader of the Opposition—move the following amendments to the Legal Services Bill, 2020:

1. That the Bill be amended in clause 2 as follows:
 - a) By deleting the definition of "affiliate";
 - b) By deleting the definition of "appointed member";
 - c) In the definition of "attorney-at-law" by inserting after the words "name is on the roll" the words, "and who holds a valid practicing certificate";
 - d) In the definition of "Board" by deleting the words "Cayman Island's legal services" and by inserting after the word "Board" the words "of directors";
 - e) By deleting the definition of "legal practitioner";
 - f) In the definition of "recognised law entity" by deleting the word "Board" and substituting the word "Authority";
 - g) By deleting the definition of "Supervisory Authority".

The Chairman: The amendment has been moved. Is the Member going to speak to it?

Hon. V. Arden McLean, Leader of the Opposition: Yes, just briefly, Mr. Chairman.

Mr. Chairman, the object of this is to establish an Authority as per the [Public] Authorities Law, because if we go to an authority no one would be appointed in accordance with current provisions. Subsequently, the Board would change to Directors of the Board; and by deleting the definition of supervisory authority, which will impact the other sections of the law.

The Chairman: If no other—

The Premier, Hon. Alden McLaughlin: Mr. Chairman, just to say [that] we've been through this exhaustively with the Honourable Leader of the Opposition. The Government cannot support that position for reasons we've already explained; the Government's position is as outlined in the amendment which I just read and explained, so the Government will vote No.

The Chairman: The question is that the amendment stands part—

The Leader of the Opposition.

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

Mr. Chairman, we don't believe that what we're proposing is out of the ordinary. We propose stuff that is going to give us a different structure than the Government is proposing; different, but will achieve the same objective albeit that it would be Cabinet appointing an authority, as opposed to exposing the Chief Justice and they have been exposed before. We all recognise that they have been there, but if we're going to change the 1969 law, then we need to bring it in sync with what the 21st Century has to offer.

Albeit its enactment [was] delayed by many years, we developed a Public Authorities Law yet we are not using it to its full extent. We need to either make it that law, exercise it, use it, or remove it. It cannot be for some, and not for all.

The Chairman: The question is that the amendments stand part of the clause. All those in favour, please say Aye. Those against no.

AYES and NOES.

The Chairman: Sounds to me like the Noes have it.

Hon. V. Arden McLean, Leader of the Opposition: Well, we will appreciate a division, since you don't know for certain.

The Chairman: Madam Clerk, please divide.

Division No. 45-2020

AYES: 5

Hon. V. Arden McLean
Mr. Alva H. Suckoo, Jr.
Mr. Anthony S. Eden
Mr. Christopher Saunders
Mr. Bernie Bush

NOES: 10

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart
Hon. Tara A. Rivers
Capt. A. Eugene Ebanks
Hon. Barbara E. Conolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.
Mr. D. Ezzard Miller

ABSENTEES: 2

Hon. Juliana Y. O'Connor-Connolly
Hon. Joseph X. Hew

ABSTENTIONS: 1

Mr. Kenneth V. Bryan

The Chairman: Oh yes, it will be.

Results of the division: 5 Ayes, 10 Noes, 1 Abstention and 2 Absentees.

Agreed: Opposition's Amendment to clause 2 failed.

[Pause]

The Clerk:

Clause 3 Establishment of the Cayman Islands
Legal Services Board.

The Chairman: The Leader of the Opposition.

Opposition's Amendment to clause 3

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, I move that the Bill be amended in clause 3 as follows:

- a) By deleting the word "Board" and substituting the word "Authority" in the title;
- b) By deleting the words "a body called";
- c) By deleting the word "Board" and substituting the words "Authority which shall be a body corporate with perpetual succession and a common seal and it shall be deemed to be a public authority as defined by the Public Authorities Law, 2017."

The Chairman: Is the Leader of the Opposition speaking to this?

Hon. V. Arden McLean, Leader of the Opposition: No, Mr. Chairman; it's obvious that it's about creating an authority as opposed to a board or a council.

The Chairman: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, again, we've been through this painfully, exhaustively this morning in camera. The government's policy with respect to this is that we do not believe that the Legal Services Council should be a public authority as defined in the Public Authorities Law; therefore, the clause as it is expressed in the Bill will stand.

The Chairman: The Member for George Town Central.

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

Mr. Chairman, I want to voice my position particularly in respect to this part about the authority, the council, and the board because they're all relative to one another. As you recall, I supported the concept with concern about the Chief Justice and the Attorney General being part.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Mr. Chairman, if you will allow, I'm just trying to let this honourable Committee know that I will be abstaining from all the votes that suggest any amendments to support an authority on the basis that, though I recognise what the Leader of the Opposition and the Official Opposition's position is, there seem to be outside differences that cannot be resolved.

Therefore, though I have my reservations about what the Attorney General and the Chief Justice could cause on the current proposal by the Government, I am not sure it is the best resolution everybody can agree to. Though I can't say that I do not recognise those biases, it seems we have not solved this problem; therefore, I'll be abstaining from the amendments associated with those particulars in respect to the board and the transition to an authority.

The Chairman: If no other Member wishes to speak, the question is—the Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, the Premier said they do not support an authority. Well, we do. We believe the construct of it should be under the Authorities Law and thus, the reason for this proposed amendment.

The Member for George Town [Central] said it looks like we haven't reached a resolution. That's so true. It's obvious that's the case because these lawyers won't do it and yes, the Government will say this is what they're doing now— putting this in place; a council made in accordance with their proposal. No matter what creature we call it, the fact is that it has been created by the lawyers who are not prepared to self-regulate and there are differences between how

we believe they should be regulated, compared with what the Government is proposing. This is how we believe they should be regulated if they do not want to step up.

This has caused nothing but problems in this country, and we do not believe the Government's proposal is the way it should be. That's all. It is not animosity, just a difference in positions taken.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, no.

AYES and NOES

The Chairman: The Noes have it.

Hon. V. Arden McLean, Leader of the Opposition: You sure?

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: Let's do a division on it, please.

The Chairman: I am pretty sure that nine people said no. If the Leader of the Opposition is adamant that he wants a division, I will permit the division.

Hon. V. Arden McLean, Leader of the Opposition: Yes; that's what I ask. Thank you.

The Chairman: Madam Clerk.

Division No. 46-2020

AYES: 5

Hon. V. Arden McLean
Mr. Alva H. Suckoo, Jr.

Mr. Anthony S. Eden

Mr. Christopher S. Saunders
Mr. Bernie Bush

NOES: 10

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell

Hon. Dwayne S. Seymour

Hon. Roy M. McTaggart

Hon. Tara A. Rivers
Capt. A. Eugene Ebanks
Hon. Barbara E. Conolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.
Mr. D. Ezzard Miller

ABSENTEES: 2

Hon. Juliana Y. O'Connor-Connolly
Hon. Joseph X. Hew

ABSTENTIONS: 1

Mr. Kenneth V. Bryan

[Inaudible interjection]

The Chairman: Results of the division: 5 Ayes, 10 Noes, 1 Abstention and 2 absentees.

Agreed: Opposition's Amendment to clause 3 failed.

The Chairman: The question is that clause 3 do stand part of the Bill. All those in favour, please say Aye, those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 3 passed.

The Clerk:
Clause 4 Constitution of the Board.

The Chairman: The Premier.

Amendment to clause 4

The Premier, Hon. Alden McLaughlin: Mr. Chair, I beg to move the following amendment to the Legal Services Bill, 2020: That the Bill be amended by deleting clause 4 (1) and substituting the following subsection:

(1) The Council consists of seven (7) members as follows:

- a) The Chief Justice;
- b) The Attorney General;
- c) A non-practicing attorney-at-law who is a Caymanian appointed by the Premier;
- d) A non-practicing attorney-at-law who is a Caymanian appointed by the Leader of the Opposition;
- e) Two practicing attorneys-at-law who are Caymanians appointed by the Premier after consultation with the bodies representing the legal profession; and
- f) A practicing attorney-at-law who is a Caymanian appointed by the Leader of the Opposition after consultation with the bodies representing the legal profession.

The Chairman: The amendment has been moved, is the Premier speaking to it?

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

Mr. Chairman as a government, this has been one of the difficult areas for us to structure. Ideally,

the lawyers, like the accountants, should regulate themselves; but because there continues to be such fractiousness between members of the profession, that does not seem to be possible. This fractiousness dates back as long as I can remember.

When I joined the law school and became an article clerk in 1983, which I think is about 100 years ago, there were two law associations—one that had recently been formed, a year or two before, called the Caymanian Bar Association, and the Law Society of the Cayman Islands which was established somewhere around 1969. The former was made up of Caymanian lawyers only, and the other accepted lawyers regardless of their nationality as long as they were practicing in these Islands.

The Caymanian Bar Association had been born because of dissatisfaction with what was considered the domination of both the profession and the decisions of the society by non-Caymanian lawyers. I was actually President of the Bar Association in 1998 and 1999, then I got into politics the following year so I understand this enmity, if I may call it that, that has long existed, very well, and is most unfortunate.

We worked over the course of many years to persuade the lawyers that it was in their best interest to have one entity representing the legal profession in Cayman, both from a local and international perspective. After great effort on the part of some lawyers to whom I pay tribute we wound up with the amalgamation of the Caymanian Bar Association and the Cayman Islands Law Society into the entity now known as the Cayman Islands' Legal Practitioners Association (CILPA). Only within months of that having occurred Mr. Chairman, up sprung another legal association known as the Association of Legal Practitioners and Advocates (ALPA) and here we are again, in a situation where we cannot get overall agreement from the profession as to the basis on which a Council to manage the profession under this legislation can be appointed.

It has not been for lack of trying, Mr. Chairman. The Honourable Attorney General and myself, myself in particular, have tried every bit of persuasion we know, to get them to see reason but we simply can get no agreement in that regard; neither association wants the other to be represented on the Council and so, after great reluctance and because we are simply out of ideas with respect to what formula will work, we have reverted to having the Chief Justice, whose office and that of the judiciary generally, has had the role of regulating the legal profession since its establishment and probably before then, by inherent jurisdiction.

Certainly, the Chief Justice and the judiciary have had the responsibility for regulating the profession since the 1969 Legal Practitioners Law, and certainly, with respect to matters involving discipline; so the proposed amendment to clause 4(1) will have the Chief Justice as the Chair and the Attorney General.

Both of them will be ex-officio positions held by whoever holds the office at the given time and then, because we cannot get an agreement as we've said, there would be a non-practicing attorney who would be appointed by the Premier, and similarly, a non-practicing attorney appointed by the Leader of the Opposition.

We had left it there in our thought process and formulation, Mr. Chairman, but the Honourable Chief Justice wrote to us and said he thought it would be a huge mistake if we did not have active members of the profession on the Council who would be able to bring knowledge and perspective about what was transpiring within the profession, and what areas needed to be addressed. We accepted, Mr. Chairman, and hence, this proposal includes the appointment of two practicing attorneys-at-law who are Caymanian, who would be appointed by the Premier after consultation with the bodies representing the legal profession; and a Caymanian practicing attorney appointed by the Leader of the Opposition also after consultation with the bodies representing the legal profession.

Mr. Chairman those words, "bodies representing the legal profession" are terms of art in the sense that we don't know how many bodies there will continue to exist, whether we will wind up with only one or there will be more, so we wanted the language in the law to be sufficiently broad, that it would allow the council to continue to be appointed without further amendment.

Mr. Chairman, I can say without reservation that neither the Chief Justice nor the Attorney General is thrilled by the prospect of having to take on another huge workload, but Mr. Chairman, if we are going to get this law bedded in, we need people at the helm with the ability and the experience to steer this; otherwise, it is likely to flounder.

At last check, there were 101 clauses to the Bill, so it will be a law with at least 101 sections. It does create a much more regulated regime and a number of other bodies which don't currently exist, and there is going to be a tremendous amount of work required. No doubt the council will be required to appoint subcommittees to be able to deal with [the] whole range of these things, from the regulation of the legal profession in respect of the anti-money laundering and countering of financing of terrorism areas to discipline, and the general management of what is now a massive profession—roughly a thousand lawyers.

To give some perspective, Mr. Chairman, when I was admitted to the bar some 32 years ago I believe I was number 67 (the 67th lawyer admitted). By 1994 there were still only 163, so it is quite complex and we do believe that, despite reservations that I held, I think quite broadly, with respect to the Chief Justice, the Attorney General and indeed, by some, about the appointment of attorneys-at-law by the

Premier and Leader of the Opposition, we believe no one has come up with a better formula than this for the composition of this council.

If one day, God hasten that day too, the legal profession can come together and be reasonable and come up with another composition, then I'm sure that whoever is in Government will gladly embrace that proposition, Mr. Chairman, but this Government has a duty to put in place a council that we believe will work and give effect to a law that has been coming for at least 25 years.

The Chairman: Does any other Member wish to speak?

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Mr. Chairman.

The Chairman: The Deputy Leader of the Opposition.

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Thank you, Mr. Chairman.

I have to say I'm very disappointed because, [it was] when we started discussing this clause [that] it dawned on me why we have gone down this road, because I couldn't understand why there were no practicing attorneys on the original proposal. Now I realise it's because two groups of adults refuse to get along and work together that it is us sitting here, trying to progress this legislation for their benefit.

It is quite disappointing that we end up at this stage. I raised it in my debate because I was worried about not having practicing attorneys on the board. I'm glad to see that in the absence of accepting the proposal from the Opposition, the Government is willing to address that. In all good conscience, I have to support this amendment because the alternative is not good, but it is truly disappointing Mr. Chairman, that we're at this juncture, because you would think that educated grown adults would have found a way to work together by now. If we have, and have got to this far a stage, I'm sure they can too—and I hope they're listening.

The Chairman: The Member for North Side.

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

Mr. Chairman, I want to thank the Government for accepting my suggestion that all members of this council, other than the Chief Justice and the Attorney General, be Caymanians, because I think the future of the profession lies in having Caymanians in these positions.

Thank you very much.

[Desk thumping]

The Chairman: Does any other Member wish to speak?

Hon. Tara A. Rivers: Mr. Chair.

The Chairman: The Minister of Financial Services.

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

Mr. Chair, I will limit my comments to give some context again to the country's obvious ability to create whatever bespoke regulatory framework we feel is necessary to govern the particular circumstances we find ourselves in.

Also, to say that obviously, as the Premier has indicated, as it stands now, under the current construct of our law, the legal profession is governed by the courts, but this is not unusual. There are some jurisdictions, in particular New York, [where] the profession and the practitioners of law are governed by the New York State Board of Law Examiners which has the power to licence attorneys, et cetera, and they operate under the auspices of the New York State Court of Appeals.

Now, contrast that with Ontario: They have a self-regulatory body of benchers who are elected from the region. Again, I say that to say that the idea of having the participation of a representative of our courts in our regulatory framework in this way is not unusual, and it seems we have come to a determination that having a hybrid system is what is best for us, for all the reasons expressed here today.

The Chairman: The Member for George Town Central.

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

I rise to support what my colleague, the Deputy Opposition Leader said and concur that I too will be supporting this amendment but also to highlight that my reservations of the Attorney General and the Chief Justice are not on the basis of their capabilities to do the job, but rather the biases that can be perceived by some; as well as the concept of police, investigator, judge, and jury of an industry.

These two posts and the holders thereof should not have to be subject to that kind of perception. Nothing to do with the individual persons who hold the post but rightfully so, like my colleague the good Deputy Leader of Opposition said, if they can't figure it out we have no other choice. I am also happy to hear that the Government has accepted the Chief Justice's suggestion to add active members of the industry who will keep any necessary changes or amendments current to what the industry is facing.

The Chairman: Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, let me weigh in on this briefly; not so

much about the amendments, but about these lawyers who do not seem to be able to work together.

I believe the makeup of the legal fraternity, if that's what you want to call it, is probably 80/20 with 20 per cent or something like that being generational Caymanian, versus 80 per cent. We speak of how these people don't want to work together... While the accountants can work together to govern themselves, we need to trust the lawyers to advocate on our behalf out there in court. Well, I don't know how effective that is when we're defending them constantly and trying to make their life easier — when they should be advocates.

Somehow, somewhere, we need to stop making excuses for these lawyers. Either they do it, or a system is put in place to force them to do it. We're treating them with baby gloves because of their mistrust of themselves. I believe they mistrust their shadows. Even in the midday sun, they mistrust their shadow, and we have to waste time here to try to ask them to cooperate. I don't think we're any better than they are.

To think that they and the accountants represent one side of the largest per cent and manage the greatest percentage of our GDP; and is it all about greed or just not wanting to work with each other? Selfishness? Which is it?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I know I haven't put my amendment but everybody talks about why we got to do this. The Chief Justice nor the Attorney General should have to be exposed to this kind of regulatory regime any longer. They're like children. We have to put controls on them to avoid them fighting among each other, yet the Premier said the other day there is room for everybody.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I understand I made these points, but now we're in Committee.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, I'll just move my amendment, too.

[Inaudible interjection]

The Chairman: The Member for Bodden Town West.

Mr. Christopher S. Saunders: Thank you, Mr. Chairman. I will speak very briefly on this just to say that I too am disappointed that we're forced into this position by professionals who should be in the art of negotiating or coming to some consensus.

I accept that on its surface the legal profession is an adversarial one, but at the same time, if we can't trust them to work with each other and come to some consensus, then the question is how can we trust them to hire Caymanians; to train Caymanians. How can we trust them to basically carry out some of the things in this very law, if by nature this is what we're dealing with, thus the reason for self-regulation?

I accept that the Chief Justice and Attorney General are involved in some places of the process but I think that, as we are striving to build a stronger, more democratic society on certain foundations, ultimately not because it is how it has always been means it is how it should continue. I want to register my disappointment that we are where we are. Nonetheless, we'll see what can come out of it.

The Chairman: Honourable Members, the purpose of amendments is not a general debate. I listened closely and what I'm hearing is debate on these amendments, as I heard debate on the Bill. You cannot do that in committee and in particular with this Bill we have a set of amendments from the Government, and a set of amendments from the Opposition, and it will become superfluous in some instances. Even though we've got to go through it because of the way the Standing Order is, let us be reasonable because it is somewhat superfluous to an extent.

Bear in mind that we cannot debate these amendments no matter how strongly we feel about them, because you've made your good points in the debate on the Bill; just their general merits. If there's no other—

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, in committee is where...

The Chairman: There is a back and forth, but if you look at your standing orders we know it cannot be a general debate. It cannot be the same as we had on the Bill. We know that.

[Inaudible interjection]

The Chairman: Of the amendments; we know that, and I know you all know that.

Hon. V. Arden McLean, Leader of the Opposition: So what are the merits or demerits of it when the Mover—

The Chairman: Each Member when speaking is going to have to cut it closely to what it is, because the truth is [that], while it is all important, the process is important too and as I said, we have two serious sets of amendments we must take time to go through. As I said, it could become superfluous, but I don't want it to get to that point.

[Inaudible interjection]

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

The Chairman: You're not *gonna* go through that because we have come to the point of a vote on this particular one. Let's take the vote on that one.

Hon. V. Arden McLean, Leader of the Opposition: Yeah, but Mr. Chairman, the mere fact that the Government is the majority does not give them any right to truncate anybody here.

The Chairman: No, no, honourable Member...

Hon. V. Arden McLean, Leader of the Opposition: And it is not *gonna* happen.

The Chairman: Honourable Member, you have your opportunity on every one of your amendments, but you have to bear in mind, honourable Member, that there is a limit to how much you can go into it.

You know it has to stick to the merits and demerits; and in doing that, you cannot get the same thing on the amendment as you did in Finance Committee and if you are smart enough to do it, then you're *gonna* have to cut it very, very close; you know that because I know you know the Standing Orders.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, they I know, the Standing Orders; and the fact that in committee, the Mover of a Motion expands upon it and explains why such Motion is being moved. Then every Member in here has the right to respond as many times as they so choose based on what was said.

The Chairman: Not as many times, honourable Member and we're not *gonna* get into that anymore, because I will watch the process closely. You have two huge sets of amendments that we have to get through.

The question is that the amendment stands part of the clause. All those in favour please say Aye; those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 4 passed.

The Chairman: The question now is that clause— Yes, Honourable Leader of the Opposition?

[Inaudible interjection]

The Chairman: Clause 4. Your proposal.

Opposition's Amendment to clause 4**Hon. V. Arden McLean, Leader of the Opposition:**

Mr. Chairman, I move that the Bill be amended by deleting clause 4 and substituting the following new clause 4:

1. There is a Board of Directors of the Authority which is responsible for the policy and general administration of the affairs and business of the Authority;
2. That the Board shall consist of not less than 5 and not more than 7 individuals all of whom shall demonstrate to the satisfaction of the Cabinet substantial knowledge and experience in one or more of the following areas:
 - a) Advocacy before the Cayman Islands courts;
 - b) Legal practice relating to the financial services industry;
 - c) Economics;
 - d) General Law practice, and any other relevant experience or qualifications as Cabinet may determine.
3. The Directors shall be appointed to the Cabinet on such terms and conditions as the Cabinet may specify in their instrument of appointment and the Directors shall:
 - a) Not act as delegates on the Board from any commercial, financial or such other interests with which they may be or have been connected;
 - b) Hold office for a term of not more than three years and shall be eligible for reappointment; and
 - c) Be paid out of the funds of the Authority such remuneration and allowances as may be determined by the Authority.
4. Prior to accepting any appointment under this section, a person shall make a written declaration to the Cabinet disclosing whether the person has or has had any commercial, financial or other interests that might reasonably be considered to create a conflict of interest with the duties of a Director; and upon receipt of the declaration the Cabinet may either confirm (where there is no such conflict) or revoke (where there is an irresolvable conflict) the said appointment;
5. Where a Director appointed under subsection (2) dies, resigns, or otherwise va-

cates his office before the expiry of the term for which he has been appointed, another person may, subject to subsection (4), be appointed by the Cabinet for the unexpired period of the term of office of the Director in whose place that person is appointed;

6. Whoever makes a disclosure under subsection (3) containing particulars which he knows, or ought to know are false, is guilty of an offense and liable on summary conviction to a fine \$100,000, and one-year imprisonment.

The Chairman: The question is that the amendment proposed by the Leader of the Opposition stand part of the clause. All those in favour please say Aye; those against, No.

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

[Inaudible interjection]

The Chairman: You're going to speak to it? Okay.

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

Mr. Chairman, this is further establishing the Authority that we are talking about. Much of what is here is taken straight out of many of the Authorities that exist right now — it's drawn straight out of them.

We do not see anything wrong with the establishment of an Authority to manage these lawyers. Since they don't want to manage themselves, then they will be managed based on how this Parliament decides they must be managed. It is [also] to ensure that the constitution of the Directors who are put on that Authority is robust enough and the conditions of their appointment are clearly laid out.

Now, Mr. Chairman, as I said, this is one of some seventy-odd, and a number of those are consequential amendments to the Bill.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: You wanted me to say something I didn't?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Oh, you were reminding me to say "consequential".

[Inaudible interjection]

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

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: The Government has decided they're not accepting any of ours.

The Chairman: Make them know so.

Hon. V. Arden McLean, Leader of the Opposition: Which is quite unfortunate, Mr. Chairman. Despite the Premier talking about us sitting down, he was just ticking off a box so he would have something to say, obviously—ticking the box that he had consulted with us. I don't believe there was any attempt whatsoever to accept any proposals that we were making.

The same thing happened at least in 2016; the proposals were accepted [with] many reneged upon subsequently. I am disappointed that we have had to come to this point, especially so with all the Cayman lawyers who are expressing this lack of trust that culminates in them not being able to work together to regulate themselves. I am very disappointed in that. They should be the first to the altar. The first to run to ensure their involvement gives them a position, but they just back off and leave us to do it and then complain.

I can also see that the Government is not going to accept anything. That too is unfortunate, as hard as I worked on this and consulted but then, the Government believes that it's only ALPA that has put anything into this, thus the Government's thought process seems to be that it is a setup with us being supported by ALPA, and us and them as the Government and Opposition. That's not the case; truly that's not the case, Mr. Chairman. There are a few of those lawyers out there who send me messages, they send me emails, they send me suggestions; but there are not enough of them to convince this Government that we have anything of any value to contribute to this.

That's unfortunate on the part of the Government, too. We believe our amendments have value, but this is the same approach the previous Government made and then complained that it was the opposition then too that caused it to be withdrawn — and this Government has a problem with some ALPA members, which also clouds judgement within these hallowed halls. I am going to consult with my people and see what they want to do because we could stay here a long time; I promise you that.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: No? Oh. I have every right.

I heard the Premier talking a while ago about the creation of another association. Everybody has a right to do that. Unfortunately, people became aggrieved because of what transpired, and they continue to be upset and concerned about it because every-

body believes that someone is using the big stick over them; and wouldn't we be aggrieved too? Have we in here not been aggrieved about the big stick being used on us during the separation of powers?

The Chairman: Honourable Leader of the Opposition, you know that's not part of the amendment.

Hon. V. Arden McLean, Leader of the Opposition: It's an example.

[Inaudible interjection]

The Chairman: Honourable Leader of the Opposition, I think you ventilated as much as you can.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I didn't want to get into this, but the Leader of the Opposition has been downright disingenuous.

Mr. Chairman, this was not a check-the-box exercise; we spent nearly three hours this morning. We went through all the proposals made by Mr. Miller and a number of proposals made by Mr. Bryan [and] the Government accepted almost all of them. The learned Attorney General and I tried everything in the world to try to get the Leader of the Opposition and members of his team to the table in advance even of this Meeting—even in advance of the previous Meeting; we finally, finally ran him to ground a few weeks ago. Mr. Chairman, I've been around this and around that Member a long time. I know when he is avoiding having to deal with issues like this because he wants to reserve the right to make the complaint he just made.

Mr. Speaker I'm not going to get into a long thing about that; he can answer what he wants. I know. I know what he was doing and what he is doing again now, but Mr. Speaker, with respect to ALPA—especially ALPA: Long after the 28-day consultation period was over, and even in advance of that, the learned Attorney General and myself tried to get them to come to a meeting to talk about these issues. They finally produced a document addressed to no one received by me last Sunday, long after the consultation period closed, and then they go on the radio with the Honourable Leader of the Opposition and pound me up and everybody in the Government and the Attorney General over this issue.

What the Leader of the Opposition is reading is the same stuff, almost word for word, that has come out of the ALPA document, so forgive me if I believe it is what he is advocating; and Mr. Chairman, even before he spoke, a number of members of the Official Opposition indicated their support for the Government amendment with reservations and all of that understood.

I don't know where he is coming from that the Government is not prepared to listen, and he's representing some broad view; he's representing the views

of a very small number of almost a thousand lawyers who are getting a great exposure of their position but in the end, the democratic process will prevail. If the Leader of the Opposition wants to stay here till next week, we are going to go through this and we are going to vote on this Bill, so I do hope he is not believing that by his threatening words, somehow the Government is going to lose resolve over this issue for that we shall not.

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

The Chairman: The Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition:
Thank you very much, sir.

Me being disingenuous — That's the word he would use; and I am trying to run away from something? We all know that I don't lose documents, right? We all know that, so let me give *unna* the documents now.

Mr. Chairman...and I am going to respond to him as he laid it out. The Attorney General called me months ago about my support for the creation of a select committee to deal with this Legal Practitioner's Bill. I agreed with him that I would support a Select Committee, but I had certain caveats:

1. That it would have to be done publicly;
2. That I would have to be given the resources to engage my own legal team;
3. We would have to call witnesses in public;
4. I would reserve the right to submit a minority report.

He agreed. Months later, when I broached the subject with him, his response to me was that it was not going to fly with the Government.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition:
About delaying tactics. It wasn't me who started it; it wasn't me who started it, it was you. You created that environment, but after I put conditions on it you backed out, and the conditions were not unreasonable.

The Attorney General then sent me a Bill, which I circulated to my guys and I read extensively [and] I called the Attorney General on some of the provisions therein. When I knew, another Bill came out minus some of the concerns I had, particularly the legitimisation of the Cayman Attorneys Regulation Authority (CARA). Now let's not get into it, okay.

Then, there was a meeting held here with the Cayman Islands Legal Practitioners Association (CILPA), and I invited the Premier into Miss Annie's little office to talk about us getting together. His words to

me were, he had a Bill and the only person opposing it was J. Samuel "Sammy" Jackson, and he was going into a meeting then; therefore, there was no need for a meeting.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition:
That evening the Attorney General sent me a new Bill and said to me that the Government was mindful to meet with us because the Bill was going to be gazetted in a few days — watch the choice of words, "a few days". Within 24 hours it was gazetted.

Well, let's get it then nah. If that's what you want, the only thing I left out was that we couldn't come to any meeting prior to that (we're number three down the line) because we were preparing for Parliament.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition:
I did not cancel anything.

An Hon. Member: Yeah, you did!

Hon. V. Arden McLean, Leader of the Opposition:
Mr. Chairman, on October 27th, the Attorney General wrote to me with the Bill and asked me on behalf of the Premier. Then I wrote back to him and said—

Let me read what he sent to me, okay, since that's what *unna* want. I said to him:

Dear Attorney General,

It seems like this is a Bill that has been decided on and will be published as is. That seems to be the main purpose of your email, to notify the Opposition of the contents. It further indicates that the Opposition will not have input or opportunity to propose changes. If such is the purpose of a meeting, then it would seem to be an exercise in futility to try to provide any meaningful input, especially based on what I have been recently told by the Premier. The outcome will be a fait accompli. UNVERIFIED QUOTE

That's me writing the Attorney General. The Attorney General responded and said:

Thank you, Mr. Leader. No, not a fait accompli, but we are striving to have a slightly longer publication consultation period [of] 28 days and hence the need to get it out now in order for it to meet the November meeting, but the plan is to do any agreed changes at Committee. I think the Premier is considering a convenient time for a meeting with you, but I will leave him to liaise directly with you. That said, there isn't much change to what was contained in the previous draft I sent you, except the issue of who may own/invest in the business of law firms. It is not explicitly stated in the Bill, but it also does not explicitly say who can't. Happy to discuss further at your convenience. UNVERIFIED QUOTE

The Chairman: Honourable Leader of the Opposition, how much further are you going to be able to deal with that aspect, because I think we've dealt with it.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, on November 11th, the Attorney General—

The Chairman: Mr. Chairman... *[sic]*

Hon. V. Arden McLean, Leader of the Opposition: No, Mr. Chairman. The Premier says that I'm disingenuous; now I'm going to do what I have to do to prove it is not so.

The Chairman: I thought that's what you were doing.

Hon. V. Arden McLean, Leader of the Opposition: Well, it's not finished yet, okay, sorry. It's not finished.

The Chairman: I think you've answered more than—

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

The Chairman: Just let me say, we cannot continue adding—

Hon. V. Arden McLean, Leader of the Opposition: He cannot accuse me of being disingenuous, which you didn't stop, and now I can't respond.

The Premier, Hon. Alden McLaughlin: You did the same with me. You said I was going through a check-the-box exercise. Come on!

Hon. V. Arden McLean, Leader of the Opposition: I said it appears so.

The Premier, Hon. Alden McLaughlin: Yeah.

The Chairman: And he was answering you, so I gave you both equal time.

Hon. V. Arden McLean, Leader of the Opposition: No, but he's saying he rounded me up.

The Chairman: Honourable Leader of the Opposition.

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

The Chairman: Can I just tell you that the Premier answered you just about a minute past 4 o'clock, and stopped just about a minute or two after five minutes [past 4:00], so about seven minutes [total]. Now, you've had your equal time and more; you've nearly gone 10 minutes. I thought you would have answered within that time.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, it requires that time to prove to this honourable House and this country that I was not being disingenuous.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: On the 11th November, the Attorney General wrote me:

Dear Sir,

The Honourable Premier has tasked me with arranging a meeting between himself and you at which I would also be present, in order to discuss the LSB. His intention is to have a meeting with you initially on behalf of the Opposition and, if thereafter you consider that it would be helpful, to meet with the other Members of the Opposition. The wish is to have the meeting next week if possible, and at a time mutually convenient. Grateful, therefore, if you could confirm your availability. UNVERIFIED

[Inaudible interjection]

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

Dear Attorney General,

Thank you for your email on behalf of the Premier, and invite to meet on the proposed Legal Services Bill. While I do not know the structure or purpose of the meeting seeing that the Bill has already been gazetted, I'm available Wednesday, the 18th. Please let me know a time and place that is convenient. UNVERIFIED

That's what I responded to him with. The Attorney General responded: *Good morning and many thanks, Will revert with details as requested.* UNVERIFIED

The Premier's staff then requested that I change the Wednesday to Thursday. I agreed, but no one told me where the meeting was going to be held; therefore, on Thursday at 2 o'clock, the Attorney General called. I didn't know whether the meeting was still on or not because of the lack of communication thereof, yet I arranged for it to be held the following week with my people, so I want to know where I was disingenuous and trying to avoid it.

The Premier was not prepared to take anything that we were proposing because he has a problem with ALPA; and let me tell him, it was ALPA and a Queen's Counsel (QC) who assisted with this. He can use the Attorney General and his battery of lawyers, and we have no lawyers here, but we must not talk to anyone. Really? Or, when we talk to someone the Premier seemingly dislikes, then we are wrong.

The Chairman: Honourable Member, you see, that's what caused this long diversion from the merits of your amendment. That same accusation that this all is

happening because the Premier dislikes someone. Then he came in—

Hon. V. Arden McLean, Leader of the Opposition: I said seemingly dislikes.

The Chairman: Well... You're not new to this House, you know.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, neither are you; and you know that you have consulted with lawyers outside of these Chambers and got advice therefrom.

The Chairman: Yes.

Hon. V. Arden McLean, Leader of the Opposition: And you, Mr. Chairman have used it on this Floor.

The Chairman: Yes.

Hon. V. Arden McLean, Leader of the Opposition: Right, so what's wrong with me and my people [doing so]?

The Chairman: No, no.

Hon. V. Arden McLean, Leader of the Opposition: But he accused—

The Chairman: Honourable Member, I'm trying to give balance. I think you've had your say on it and you defended your position, and all of this is way past Standing Order 50, "**a committee to which a Bill is referred shall not discuss its general merits and principles but only its details.**"

I know that I'm an easy target at times, in particular when I can't defend myself; but really, I think you've all had equal say in defending your position, so I'm asking you to move on because I thought somebody else— maybe they've left. I think it's reasonable unless you haven't finished, and I thought you had finished putting your whole amendment. Am I correct now in that?

[Inaudible interjection]

The Chairman: Yes, you read the whole amendment.

The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

AYES and NOES.

The Chairman: The Noes have it. The amendment fails. The question is—

Hon. V. Arden McLean, Leader of the Opposition: Can we have a division?

The Chairman: The [Deputy] Clerk will divide.

Division No. 47-2020

AYES: 3

Mr. Bernie A. Bush
Mr. Anthony S. Eden
Hon. V. Arden McLean

NOES: 10

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart
Hon. Tara A. Rivers
Capt. A. Eugene Ebanks
Hon. Barbara E. Conolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.
Mr. D. Ezzard Miller

Absentees: 3

Hon. Juliana Y. O'Connor-Connolly
Hon. Joseph X. Hew
*Mr. Christopher S. Saunders

Abstentions: 2

Mr. Alva H. Suckoo, Jr.
Mr. Kenneth V. Bryan

***Mr. Christopher S. Saunders:** I was out of my chair when the vote was taken, but I would have voted Aye.

The Chairman: Results of the division: 3 Ayes, 10 Noes, 2 Abstentions [and] 3 Absent.

The Premier, Hon. Alden McLaughlin: Well, what I know is that losing is habit forming.

The Chairman: The amendment put forward by the Leader of the Opposition has failed.

Agreed: The Opposition's Amendment to clause 4 failed.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 4 as amended, passed.

[Inaudible interjection]

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

The Chairman: Leader of the Opposition.

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

[Crosstalk]

The Chairman: The House will suspend for five minutes.

Mr. D. Ezzard Miller: Mr. Chairman, before we take a break. I need to be excused at 5 o'clock to go to my daughter's Christmas Concert at Clifton Hunter High School. Thank you very much.

The House will suspend proceedings for five minutes.

Proceedings suspended at 4:26 p.m.

Proceedings resumed at 4:43 p.m.

The Speaker: Members, proceedings are resumed. Please be seated.

[Pause]

The Deputy Clerk:

Clause 5 Functions of the Board

The Deputy Clerk: There is an amendment to clause 5.

The Chairman: The Leader of the Opposition.

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

Mr. Chairman, before we reach there, let me say that it's obvious the Government is not going to accept the proposals that we are making in the form of Committed Stage Amendments. I did my job; we all did our jobs, including them. They do not believe that what we propose is worthy of going into legislation. I disagree with them.

I believe that we have statutory provisions in this country to ensure that the government regulatory bodies are governed properly. The Government does not believe that statutory authorities are robust enough to deal with these things. I don't know why, I cannot say why. That is for them to explain to the people of this country, not me. I made the Opposition proposals, and the Government has indicated that they are going to reject every one of them. We all do our jobs in a way that we believe is in the best interest of this country; I am no exception, neither are these good men alongside and behind me. I don't know what is going to happen when other professions do not do as they are required to do by virtue of what the people's representatives want and in the best interests of this country. If we start down that road, it is not going to end well.

The legal profession has forever and a day controlled much of how they are governed; we are now acquiescing to that. In essence, what we're doing is because they don't want to do it, we are responding and letting them off the hook. Others have had to do it

and I'm sure the Government will say that this is their way of doing it. That is fine, I think they have every right.

In our view, our proposals were in a manner that is different, but achieved the same objective that we believe would employ the laws already in place in this country. We are now creating a whole new ball-game where others will have the right to create their own or at least lobby for their own. That's unfortunate. The reason we have a government is that it runs the country. People do not elect governments. They remove governments. We all, those of us who have been here long enough, know that. The electors do not elect governments; they remove governments. They elect individuals— hence, governments must pay the price for the error of their ways, so too will the Opposition.

Mr. Chairman, in the interest of not carrying this any further, since the Government has indicated they are going to wholesale reject all that we have submitted because they are the majority, I will withdraw the amendments that we put there. Therefore, this Bill will be the Government's Bill without support from this side.

Something the Member for Bodden Town West wanted to do was to put a timeline on when this thing would be regularised, and in effect, remove the Attorney General and the Chief Justice from it. I believe it was reasonable because the Attorney General said they were hopeful that in short order the lawyers would see the error of their ways and come forth and join the chorus. I am not overly excited about his hopes, but at least Member Saunders made a proposal; it too was rejected. At the very least, the Government should have embraced that and put a timeline on when the Attorney General and the Chief Justice had to be off, but of course it appears that we cannot do anything with such commitments on our part and not have theirs.

Mr. Chairman, I have fought hard to ensure this Bill, which will eventually turn into law, is in what I believe to be the best interest of this country. I have been here long enough to know that you win some, you lose some and to see that before the ink dries on a Bill having been voted on here, it has to come back to get amendments. I pray to God this works.

We have had many arguments on this Floor about whether we can amend a Bill that hasn't been gazetted — that's how quickly we do that. However, that little word called 'amendment' is what it's all about. Suffice it to say, Mr. Chairman, I have been here long enough to know that one government cannot tie the hands or commit a succeeding government; I've been here long enough to know that. Therefore, if changes need to be made, I guess the future will hold many amendments thereto if it does not work.

Mr. Chairman, I wish well. I did not oppose there being a Bill because I knew something had to be

done; neither did I oppose it in 2016. I wanted changes to it as you well know, and your good self was there with me then when I did the proposals. They were accepted with some concessions, and were reneged upon the following morning. I have fought the good fight on behalf of the people. Let all those who can say aye, say aye.

Mr. Chairman, having said that, I hereby withdraw all those other amendments that have been proposed under my name, and one of my colleagues will second that Motion— oh, it's Committee I don't need a seconder.

I wish the Government well, but I suspect that before the election we will have to rush back here to change something.

The Chairman: The question is that the amendments put forward by the Leader of the Opposition be withdrawn. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendments proposed by the Leader of the Opposition were withdrawn.

[Inaudible interjection]

The Chairman: The Honourable Premier.

Amendment to clause 5

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 5(3) by deleting the words "with the approval of the Cabinet and".

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

AYES.

Agreed: Amendment to clause 5 passed.

Mr. Kenneth V. Bryan: Mr. Chairman, which clause are you dealing with right now, five?

The Chairman: Five.

Mr. Kenneth V. Bryan: I have other amendments by the Government under clause 5.

The Premier, Hon. Alden McLaughlin: You have to wait until this one is voted on, then you move those.

Mr. Kenneth V. Bryan: You don't have that amendment on the sheet of paper you gave us. The word "and"?

The Chairman: You don't have an amendment to clause 5, do you? I don't see any.

Mr. Kenneth V. Bryan: Forgive me, sadly I was looking at the Leader of Opposition's withdrawals. I do apologise to this honourable Committee.

[Inaudible interjection]

The Chairman: The question is that clause 5 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 5 as amended, passed.

The Clerk:

Clause 6 Powers of the Board

The Chairman: The question is that clause 6 do stand part—

Mr. Kenneth V. Bryan: Mr. Chairman.

The Chairman: Honourable Member, you're going to have to speak into the mic to catch me because I'm not hearing.

Mr. Kenneth V. Bryan: Sorry, I'm not sure why the volume is not loud enough.

Unfortunately, due to the fact that I didn't see that amendment, I didn't recognise you voted on that whole clause just now. I thought you were voting on the amendment, and then once the amendment is agreed upon then the clause as it stands.

The Chairman: I did that, but which one you're talking about, [clause] 5?

Mr. Kenneth V. Bryan: [Clause] 5, correct.

The Chairman: You don't have anything on [clause] 5, do you?

Mr. Kenneth V. Bryan: No.

The Chairman: You wanted to say something on it?

Mr. Kenneth V. Bryan: Yes.

The Chairman: We're past that, save it for the next one.

[Inaudible interjection]

The Chairman: It's not the Government. This is the Chair, but we have passed it.

Mr. Kenneth V. Bryan: Mr. Chairman, can you identify exactly where we are now, please, in respect of the Government's amendments?

The Chairman: We are going to clause 6, Powers of the Board.

You can't take a vote on [clause] 5. If you had a quick general observation, fine, but not to take a vote. The vote on [clause] 5 has passed. This is [clause] 6.

Mr. Kenneth V. Bryan: Correct, good.
Am I allowed to speak now?

The Chairman: On [clause] 6?

Mr. Kenneth V. Bryan: Yes.

The Premier, Hon. Alden McLaughlin: But there are no amendments.

The Chairman: Go ahead.

[Inaudible interjection]

The Chairman: No, no. He wasn't talking to you; he was talking to me.

The Premier, Hon. Alden McLaughlin: I was just saying there were no amendments, that's all.

Mr. Kenneth V. Bryan: Mr. Chairman, I'm going to take the risk with respect to this matter and if I am corrected then so be it. The Government may do as they wish.

I am a bit concerned with respect to the powers of the board on one of the big issues that was raised in the discussions and meetings about the appointment of a regulatory committee, and said committee potentially being the current one which is CARA. Mr. Chairman, the reason I bring that up is that much of this lack of unity within our legal industry is on the basis of the perception of CARA's ability to do what they have been doing with respect to keeping up with Anti-money Laundering (AML) regulations.

Now, Mr. Chairman, it is hard for me not to bring up the concerns that if CARA is going to be the one moving forward, the perception of bias many persons in the other association have, who brought up fear of the appointments by persons of CARA due to the conflict of being appointed by their competing association. That concern would ultimately still be there if this is just a transfer from under a self-regulatory body of CILPA, to now a council under the Attorney

General, the Chief Justice, and a list of both practising and non-practising attorneys-at-law. I believe the perceived concern may potentially be because most of these appointments of CARA were done by persons in conflicting associations; therefore, it was not trusted that these persons would [not] look into the inner details of their firm's runnings regarding their financials and clients' information.

It is difficult for me to support this though I think it is the only option that we have.

The Chairman: Honourable Member, which point are you addressing?

Mr. Kenneth V. Bryan: The Powers of the Board.

The Chairman: [Clause] 6?

Mr. Kenneth V. Bryan: Yes, sir.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I don't think so. I understand what the Member is addressing, but it's not with respect to that clause. In that clause, for "Board", read "Council". The Council has nothing to do with CARA. The Council is the Chief Justice, the Attorney General, and lawyers practising and non-practising who are appointed by the Premier and the Leader of the Opposition. CILPA nor CARA has any role in that.

What this is saying is, the Council has the power to do everything reasonably incidental or conducive to carrying out its functions under this Law; that's what this clause deals with, and the Council is as I just indicated.

Mr. Kenneth V. Bryan: Correct, Mr. Chairman.

Through you, Mr. Chairman: Mr. Premier thank you so much for that information. However, it does fall under the powers of the council because the council then has the ability to appoint committees and other authorities to regulate the industry; and there have been suggestions that CARA, which is the current functioning body to do that regulation of the industry, will be transferred from currently being under CILPA to now under this new council. Hence, the conflict and fear that were there before, which caused many of the attorneys to not want to offer their details about their clients and their financials, can still potentially be there because they felt they didn't have the opportunity to have a say in the appointment of these members on CARA.

Thus, my question and concern are whether that will continue to be the case, because [then] we're going to continue to have the same problem we had before with the fear of many of those persons who brought some of those amendments just for the good Leader of Opposition to withdraw.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, we're back to the fundamental thing. Somebody — I don't know who, but somebody has got to take these decisions. We have decided it should be the Council; everybody has a different and competing view.

I don't know what bias the Chief Justice or the Attorney General has. I don't know who the Leader of the Opposition is going to appoint; I don't even know who I, as Premier, am going to appoint at this point, but it will be that Council's function to make these decisions, not this Parliament's.

Mr. Kenneth V. Bryan: Mr. Chair, I hear the Honourable Premier, but I am certain the council members will not be the administrators of the day-to-day running, functioning regulatory responsibilities.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Yeah, but I'm talking about the powers they have, and the powers they have are to allocate those responsibilities to an association similar to, or potentially CARA, where the conflict started in the first place.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, if the Council doesn't have the power, who should have the power?

Mr. Kenneth V. Bryan: Mr. Chairman, through you: I'm not suggesting that the Council shouldn't have the power. I'm saying that if we are not prepared to discuss the concerns, regardless of how small they may be, then we may continue to have the same problem. Would it not be fair to say that the fear came from the fact that the appointments made to CARA were by the opposing association which has conflicts with both associations; therefore they felt that these appointments on CARA, if they were transferred under this council [the conflict] will potentially still be there.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I say again: that is not a function for this Parliament. If we create a body called "the Council" that's charged with the responsibility for the administration of this Law, the Legal Services Law, it is their function, it is their judgement what subcommittee they appoint [and] who gets appointed to it.

Our limited role as a Parliament is that the Premier and the Leader of the Opposition get to appoint the majority members of the Council; that is our role. What the Council does beyond that is outside our remit.

Mr. Kenneth V. Bryan: Mr. Chairman, I concede to the Premier on that, he's 100 per cent correct; but allow me to highlight my reservations today because it is no different than a few months ago if not over a

year ago. We gave that authority to CILPA to do the self-regulation, and they then instituted CARA; it's no different now. We're giving power to the Council to have the authority in that decision. I agree, but the fact is if we transfer, and this is what has been indicated will be happening, taking CARA and then CARA works underneath the Council to do the necessary AML regulations for this industry.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Well, I'll tell you what, we don't know that and neither can we do it as Members of Parliament; but I can tell you this, if that happens and we don't recognise the conflicts that these members have brought up based on not having a fair, proportionate opportunity to have a say in those appointments what you have to do is flush CARA out again and have a brand new appointment system for the persons who are running CARA's functions because the perception of biases will continue to be there. That's a simple reality.

Mr. Chair, that's my contribution.

The Premier, Hon. Alden McLaughlin: We're not going to get any further with that. The Member still does not appear to understand that there is a limit to the role of Members of Parliament. We run major risks when we try to tell legal entities how they should operate other than the way that we are permitted to do, which is by the legislation or by the regulations.

The judgements about who goes where will be a matter for the Council, not for us.

Mr. Kenneth V. Bryan: Mr. Chairman, I want to say something that we can't even speak about in this House. There are currently cases before the court on the legalities of previous bodies due to people's constitutional rights. As a Member of Parliament in this House, it's my job to highlight my reservations to this, because of those appointments.

If the body we're going to give the authority to doesn't recognise that Members of Parliament have that concern and what it could potentially mean to the constitutional rights of those same small bodies of members, then I'm not doing my job. Even though they may be a small association, I'm going to respect their constitutional right to their fear of conflict. I've stated my reservation; the Government of the day has the say.

The Chairman: I consider you have done so.

The question is that clause 6 stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 6 passed.**The Clerk:**

Clause 7 Appointment of Secretary and Staff.

The Chairman: Honourable Premier.**Amendment to clause 7****The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I beg to move that the Bill be amended by deleting clause 7 and substituting the following clause:

“Appointment of secretary and staff

7. The Chief Justice shall, after consultation with the Deputy Governor, appoint —

(a) a public officer as the secretary to the Council; and

(b) such other public officers as the Chief Justice thinks are necessary for assisting the Council in the proper performance of its functions under this Act.”

The Chairman: The amendment has been moved. Does the Member wish to speak?**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, this is fairly self-explanatory, but it allows the Chief Justice, after consultation with the Deputy Governor, to essentially hire the necessary staff to make sure that the Council is able to operate properly and carry out its functions under the law.**The Chairman:** The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.**AYES.****The Chairman:** The Ayes have it.**Agreed: Amendment to clause 7 passed.****The Chairman:** The question is that clause 7 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.**AYES.****The Chairman:** The Ayes have it.**Agreed: Clause 7 as amended, passed.****The Clerk:**

Clause 8 Terms and conditions of appointment of members

The Chairman: The Premier.**Amendment to clause 8****The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I beg to move that the Bill will be amended in clause 8(1) as follows:

(a) in paragraph (a) by inserting after the words “section 4(1)(c)” the words “or e”; and

(b) in paragraph (b) by inserting after the words “section 4(1)(d)” the words “or f”

The Chairman: The question is—**The Premier, Hon. Alden McLaughlin:** Sorry, Mr. Chairman.**The Chairman:** You care to speak to it, Premier?**The Premier, Hon. Alden McLaughlin:** Yes, Mr. Chairman.

This amendment is consequent upon the changes to the Council because we've added two more sets of appointments. That's what it is meant to reflect.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.**AYES.****The Chairman:** The Ayes have it.**Agreed: Amendment to clause 8 passed.****The Chairman:** The question is that clause 8 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.**AYES.****The Chairman:** The Ayes have it.**Agreed: Clause 8 as amended, passed.****The Clerk:**

Clause 9 Acting appointments

Amendment to clause 9**The Premier, Hon. Alden McLaughlin:** Mr. Chairman, I beg to move that the Bill be amended in clause 9(1) by deleting the words “section 4(1)(c) or (d)” and substituting the words “section 4(1)(c), (d), (e) or (f)”.**The Chairman:** Premier, are you speaking?**The Premier, Hon. Alden McLaughlin:** Again, Mr. Chairman, this is a consequential amendment as a

result of the changes referred to by me with respect to clause 4, which is the composition of the Council.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 9 passed.

The Chairman: The question is that clause 9 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 9 as amended, passed.

The Clerk:
Clause 10 Resignation

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 10 passed.

The Clerk:
Clause 11 Revocation of appointment

The Chairman: The Premier.

Amendment to clause 11

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 11(1) as follows:

- (a) by inserting after the words "section 4(1)(c)" the words "or e"; and
- (b) by inserting after the words "section 4(1)(d)" the words "or f".

The Chairman: Are you speaking?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, this is another amendment consequent upon the changes to clause 4.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 11 passed.

The Chairman: The question now is that clause 11 [as amended] do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 11 as amended, passed.

The Clerk:
Clause 12 Vacancy

Amendment to clause 12

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 12(1) as follows:

- i. by inserting after the words "section 4(1)(c)" the words "or e"; and
- ii. by inserting after the words "section 4(1)(d)" the words "or f"; and
- (b) by deleting "(2)" and substituting the following subsection:
"(2) The validity of any decision of the Council shall not be affected by any vacancy amongst its members or by any defect in the appointment of a member as long as there is a quorum for the meeting at which the decision is made."

The Chairman: The question is that the amendments do stand part — unless the Premier has something to say...

The Premier, Hon. Alden McLaughlin: No, Mr. Chairman. Again, subsection (1)(a) are amendments consequential to the changes to clause 4, the composition of the board; and then (b) speaks for itself essentially saying that the validity of a decision of the Council is not affected by any vacancy in its members or any defect in the appointment of members, et cetera.

[Crosstalk]

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 12 passed.

The Chairman: The question is that clause 12 now stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 12 as amended, passed.

The Clerk:

Clause 13	Gazetting appointed members
Clause 14	Board to regulate its practice and procedures

The Chairman: The question is that clauses 13 and 14 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 13 and 14 passed.

The Clerk:

Clause 15	Meetings
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Amendment to clause 15

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 15 as follows:

- (a) in (2) by inserting after the words "Chief Justice" where they first occur the word "or";
- (b) in (3) by deleting the word "four" and substituting the words "a majority of"
- (c) in (6) by inserting after the word "kept" the word "of"

The Chairman: Is the Premier speaking?

The Premier, Hon. Alden McLaughlin: No, Mr. Chair.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 15 passed.

The Chairman: Let's put on our belts and braces; the question now is that clause 15 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 15 as amended, passed.

The Clerk:

Clause 16	Protection from liability
Clause 17	Disclosure of member's interests

The Chairman: The question is that clauses 16 and 17 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 16 and 17 passed.

The Clerk:

Clause 18	Appointed member to be paid allowance
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Amendment to clause 18

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 18 as follows:

- (a) in the section heading by deleting the word "to" and substituting the word "may"; and
- (b) by deleting the word "shall" and substituting the word "may".

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 18 passed.

The Chairman: The question is that clause 18 stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 18 as amended, passed.

The Clerk:

Clause 19	Payment of administrative expenses
Clause 20	Board to keep proper accounts

The Chairman: The question is that clauses 19 and 20 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 19 and 20 passed.

The Clerk:

Clause 21	Board to submit annual report
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Amendment to clause 21

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 21 by inserting after the words “preceding financial year” the words “and publish the annual report in the *Gazette*”.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 21 passed.

The Chairman: The question now is that clause 21 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 21 as amended, passed.

The Clerk:

Clause 22	Clerk of the Court may be assigned functions
Clause 23	Seal and execution of documents

The Chairman: The question is that clauses 22 and 23 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 22 and 23 passed.

The Clerk:

Clause 24	Restriction on the practice of Cayman Islands Law
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Amendment to clause 24

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 24 as follows:

- (a) in (4) by inserting after the words “legal services” the words “in respect of Cayman Islands law or in the Islands”; and
- (b) in (5) as follows:
 - i. in paragraph (a) by inserting after the word “individual” the words “other than an in-house counsel”; and
 - ii. by deleting paragraphs (c), (g), (h) and (i)

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 24 passed.

The Chairman: The question now is that clause 24 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 24 as amended, passed.

The Clerk:

Clause 25	Attorneys-at-law may practise Cayman Islands law
Clause 26	Recognised law entity may practise Cayman Islands law
Clause 27	Exemptions for Attorney General and Director of Public Prosecutions

The Chairman: The question is that clauses 25, 26 and 27 stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 25, 26 and 27 passed.

The Clerk:

Clause 28 Ability to practise Cayman Islands law or establish as a law firm

The Chairman: The Premier.

Amendment to clause 28

The Premier, Hon. Alden McLaughlin: Mr. Chairman, if I may have a moment to consult with the Attorney General.

The Chairman: Sure.

[Long pause]

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

Mr. Chairman, I beg to move that the Bill be amended in clause 28(2) by deleting paragraph (b).

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 28 passed.

The Chairman: The question now is that clause 28 as amended do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 28 as amended, passed.

The Clerk:

Clause 29 Admission

The Chairman: The question is that clause 29 stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 29 passed.

The Clerk:

Clause 30 Personal qualification required for admission

[Long pause]

Amendment to clause 30

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

Mr. Chairman, I beg to move that the Bill be amended in clause 30(c) by inserting after the word "government" the words "or a statutory authority".

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 30 passed.

The Chairman: The question now is that clause 30 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 30 as amended, passed.

The Clerk:

Clause 31	Additional personal qualifications
Clause 32	Professional qualification required for admission
Clause 33	Post-foreign qualification experience requirement
Clause 34	Application for admission
Clause 35	Application for admission to practise in a specified suit or matter
Clause 36	Status of attorneys-at-law

The Chairman: The question is that clauses 31 through 36 stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 31 through 36 passed.

The Clerk:

Clause 37 Requirement to comply with obligations and to observe Code of Professional Conduct

The Chairman: The Premier.

Amendment to clause 37

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 37 as follows:

(a) by deleting "(3)" and substituting the following subsection:

"(3) The Council shall, after consultation with the legal profession, issue and publish in the *Gazette* as well as in such other media as the Council determines a Code of Professional Conduct for attorneys-at-law and recognised law entities within sixty days after the commencement of this Act."; and

(b) in (5) by deleting the words "does not amount to professional misconduct but" and substituting therefore the words "may amount to professional misconduct and".

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 37 passed.

The Chairman: The question now is that clause 37 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 37 as amended, passed.

The Clerk:

Clause 38 Clerk of Court to keep a Roll of attorneys-at-law

Amendment to clause 38

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 38 as follows:

(a) in (2) as follows:

- i. in paragraph (e) by deleting the word "and" and substituting with ";";
- ii. in paragraph (f) by deleting the "." and substituting the word "and";
- iii. by inserting after paragraph (f) the following paragraph:

"(g) all the jurisdictions in which the person practises Cayman Islands law"; and

- (b) by inserting after (2) the following subsection

"(3) The Roll may be kept in the form of an electronic record to which the *Electronic Transactions Act (2003 Revision)* applies.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 38 passed.

The Chairman: The question is that clause 38 as amended do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 38 as amended, passed.

The Clerk:

Clause 39	Roll to be open for inspection
Clause 40	Certificate of enrolment
Clause 41	Alteration in enrolment details
Clause 42	Voluntary removal of name from Roll

The Chairman: The question is that clauses 39 to 42 stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 39 to 42 passed.

The Clerk:

Clause 43	Removal of name from Roll for non-practice
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Amendment to clause 43

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 43 as follows:

- (a) in (1) by inserting after the words “name of an attorney-at-law” the words “who is not a Caymanian”
- (b) in (2) by inserting after the words “and attorney-at-law” the words “who is not a Caymanian”; and
- (c) by deleting (3) and substituting the following subsection:
 - “(3) The notice under subsection (2) shall inform the attorney-at-law that unless the attorney-at-law —
 - (a) applies for a practising certificate; or
 - (b) is with a law firm or an in-house counsel and applies to keep the attorney-at-law’s name on the Roll, the Clerk of the Court shall remove the name of the attorney-at-law from the Roll after twelve months of the service of the notice”; and
- (d) in (4) by deleting the word “three” and substituting the word “twelve”

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 43 passed.

The Chairman: The question is now that clause 43 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 43 as amended, passed.

The Clerk:

Clause 44 Keeping name on Roll

The Chairman: The question is that clause 44—

The Premier, Hon. Alden McLaughlin: Mr. Chairman if I may have a moment.

[Pause]

The Chairman: The question is that clause 44 stands part of the Bill. All those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 44 passed.

The Clerk:

Clause 45 Law firm - obligation to give notice

[Extended pause]

The Chairman: Members, the House will suspend proceedings until 6:10 p.m.

Proceedings suspended at 5:44 p.m.

Proceedings resumed at 6:25 p.m.

The Chairman: Proceedings are resumed. Please be seated.

[Crosstalk]

The Chairman: Premier, [clause] 45.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, just before we took the suspension, I had a little confusion. Because I had been following all this very carefully, I knew we had determined that we needed to make an amendment to clause 44, but I did not see it.

It is there, though; it is just in the wrong order. We should take the amendment to clause 44 before 45. It is 19, rather than 18, so if you could take it first, then go back to 18.

The Clerk:

Clause 44 Keeping name on roll

Amendment to clause 44

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move the Bill be amended in clause 44 as follows:

- a) By deleting subsection (1) and substituting the following subsection:
 - 1. The section applies if an Attorney-at-Law who is not a Caymanian:
 - a. Is employed by a law firm or an affiliate of a law firm; or
 - b. Is an in-house counsel.
 - 2. Does not wish to practice Cayman Islands law, but wishes to keep the Attorney-at-Law’s name on the roll

- b) In subsection (4)(c), by inserting after the words “disciplinary complaint or” the words “any other”.

Mr. Chairman, the point of this amendment is to ensure that where a Caymanian lawyer ceases to practice Cayman Islands law, their name would not be automatically removed from the Roll.

It would remain unless and until they wish it to be removed whereas in the case of a non-Caymanian lawyer, if they cease to practise and, after having received the notice, have not done something to persuade the Clerk that they should remain after a 12-month notice it will be removed. Non-Caymanian lawyers actually have to apply to keep their name on.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 44 passed.

The Chairman: The question is that clause 44, as amended, stands part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 44, as amended passed.

The Clerk:
Clause 45 Law firm obligation to give notice

The Chairman: Honourable Premier.

Amendment to clause 45

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 45(7) by deleting the word “five” and substituting the word “ten”.

The Chairman: The question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 45 passed.

The Chairman: The question now is that clause 45, as amended, stands part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 45, as amended passed.

The Clerk:
Clause 46 Attorney-at-Law may administer oaths
Clause 47 Attorney-at-Law and recognised law entity may sue for fees and costs

The Chairman: The question is that clauses 46 and 47 do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 46 and 47 passed.

Mr. Kenneth V. Bryan: Forgive me, Mr. Chair. I am just trying to follow along with the Government’s list of amendments to this Bill. If they could indicate what number amendment they are under, because I was just looking under number 18, Clause 45 and...

The Chairman: We passed that; one came before the next, actually. That is what happened.

Mr. Kenneth V. Bryan: Agreed, but then in 19...

The Chairman: And it was explained.

Mr. Kenneth V. Bryan: What part was explained, Mr. Chair? I do not follow.

The Chairman: The difference between 18 and 19—19 came first, actually; 44 before 45.

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

The Chairman: It was just a misprint.

The Clerk:
Clause 48 Attorney-at-Law shall have a practising certificate to practise

Amendment to clause 48

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause

48(3)(b) by inserting after the word “remains”, the word “within”.

The Chairman: The question is that the amendment stands part of the clause. All those in favour please say Aye—

Mr. Kenneth V. Bryan: Mr. Chair.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Mr. Chair, I do have a concern about this area of practising certificates. Just seeking advice as to where to address said concern and the penalties for those who may find themselves afoul of the law. Whether or not I can highlight my concern about the lack of a penalty for the associated firms when persons within them acquire the practising certificates. If the Attorney General or the Government could indicate under which clause would be the best place to have that concern highlighted?

I just do not want to miss the opportunity because it is relevant to the practising certificates outside of this jurisdiction.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, is the Member seeking, without notice, to propose an amendment?

The Chairman: I do not think he said anything about an amendment. Honourable Member, you did not say anything about an amendment?

Mr. Kenneth V. Bryan: No, sir; but if the Government is willing to accept one without notice, I would be happy to present one.

[Laughter]

The Premier, Hon. Alden McLaughlin: No, I am just wondering what the purpose of the intervention is, because we have had over 100 proposed amendments... why isn't this one?

Mr. Kenneth V. Bryan: Mr. Chair, through you: I appreciate the Premier's acknowledgement of the lack of an amendment being proposed; but, as we all recognise by the number of amendments by the Government and the Opposition, as well as independent Members, this law is not perfect. Therefore, as we go along, we may find things that are concerning and the Government may be willing—

The Premier, Hon. Alden McLaughlin: But the time for that has passed.

Mr. Kenneth V. Bryan: Mr. Chairman.

The Chairman: Honourable Member, what are you questioning here?

Mr. Kenneth V. Bryan: I am trying to answer the Premier's statement.

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

The Chairman: The Chair is speaking to you now.

Mr. Kenneth V. Bryan: Yes, sir.

The Chairman: Not the Premier, the Chair. What are you seeking in your question here?

The Premier, Hon. Alden McLaughlin: Right.

Mr. Kenneth V. Bryan: My question is: There may be a potential suggestion for an amendment. We have had discussions with the Honourable Premier and the Attorney General about those concerns, and with their knowledge of that concern, where would be the best place to have a discussion for a potential proposal for an amendment.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, there is a reason there are rules about notice for amendments. Otherwise, everything that pops into a Member's head in this committee would wind up being the subject of another massive debate. As I said, we have had over 100 proposed amendments here. The Government's amendments are the result of discussions with the Opposition, with the broader public, with the attorneys-at-law; we even accepted some from the Member.

Mr. Chairman, it is obviously your decision, not mine, but I think we would be going down a really dangerous, long and arduous road, to say that Members are free to propose any amendment they want at this stage.

Mr. Kenneth V. Bryan: Mr. Chairman, if I may add. I do appreciate the proper process for this Committee, but Mr. Chairman, I must say that I got an extensive list of the Government's proposals just today, so I have not had the opportunity to digest them myself.

I think it is fair to say that I have tried my endeavour best to have off-the-air conversations so there will not be much discussion. The Government is aware of what I am trying to address, so it should not be...obviously, if you allow, Mr. Chair, something that cannot be easily and quickly addressed.

The Premier, Hon. Alden McLaughlin: Mr. Chairman we had a three-hour meeting. Again, the Attorney General and I indicated to the Member that we are not prepared to accept his proposed amendment; so we are just spending time so he can air his view.

Mr. Kenneth V. Bryan: Mr. Chairman, I am not speaking about the Opposition's amendments.

[Inaudible interjections]

The Chairman: Honourable Member, as you have perhaps heard, the Government is moving on its programme. They are not minded to accept amendments at this point in the Committee.

Mr. Kenneth V. Bryan: Mr. Chairman, I heard you say that; I did not hear the Honourable Premier say it. If the Honourable Premier is not willing to consider amendments on a Bill that is not a hundred per cent, then he can say so.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, no Bill is perfect. This Bill has more proposed amendments than any Bill I have known.

Mr. Kenneth V. Bryan: Thus, one more should not kill it.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, there is a process. The Member has had this *[indicating]* for longer than a month and has been in consultation with his lawyer folk.

Mr. Kenneth V. Bryan: Well, I am glad you told this honourable Committee that I have been in consultation so they see I am doing my homework, but I did not get the consultation of your amendments until this morning, Mr. Premier.

The Premier, Hon. Alden McLaughlin: This is not one of my amendments, though. Is one of yours.

Mr. Kenneth V. Bryan: I agree. I agree, but if we are going to talk about process, about the ability to do my job, I cannot do a job and talk to my legal friends that he is talking about today.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, can we suspend so the Member can prepare a proper amendment and bring it back to the Committee, and we can decide whether we accept it or not?

Mr. Kenneth V. Bryan: Fine. That sounds good.

The Premier, Hon. Alden McLaughlin: That is fine, Mr. Chairman.

The Chairman: Up until now though, the Chair has not heard and understood what the Member is seeking.

The Premier, Hon. Alden McLaughlin: I am happy to stay here as long as it takes, sir.

The Chairman: No.

Mr. Kenneth V. Bryan: So am I.

The Chairman: No.

The Premier, Hon. Alden McLaughlin: We can adjourn at 7:30 and come back tomorrow.

The Chairman: Honourable Members, I am not going to allow that because we have plenty to do. If the Member seeks an amendment, then go draft said amendment, and we can come back to it. We can do that.

Mr. Kenneth V. Bryan: I am okay with that, sir.

The Chairman: Well, you need to go ahead, because up until now I have not seen anything. I still do not know what it is about. I know or heard you say you had some discussion, but I do not know what it is all about.

Mr. Kenneth V. Bryan: Thank you, Mr. Chair; so are we accepting a short break for me to get the amendment done?

The Chairman: No, no, no. We are going to continue. You can go get your amendment and come back. We will come back to that point.

Mr. Kenneth V. Bryan: So Mr. Chair... am I supposed to miss the opportunity to do the people's work while these [other] amendments are being discussed.

The Chairman: You know, honourable Member...

I cannot do anything about that. I am giving you an opportunity to draft an amendment and bring it back so the Chair can see it and we can take it from there. In the meantime, the business of this Committee has to continue.

Mr. Kenneth V. Bryan: Mr. Chair, I cannot afford to miss the opportunity to ensure I examine all the amendments; therefore, the position you leave me in is that I cannot do the amendment because you are asking me not to be in the chair for other amendments I may have concerns about.

The Chairman: Honourable member, I keep hearing you say, "*You leave me; you left me.*" I do not need to reiterate things that have already been said in this Committee.

Mr. Kenneth V. Bryan: Which are?

The Chairman: Listen: I am not going to sit here and have this conversation, because I am not involved in these meetings. I do not know what you all do, okay? I

am the Chair. If you are going to bring an amendment, bring it — if you know what it is about — and I will consider it.

Mr. Kenneth V. Bryan: Mr. Chair.

The Chairman: No, no. If you need legal advice to get it, then perhaps you ask the Attorney General to help you with it. That is what I would do.

Mr. Kenneth V. Bryan: Mr. Chairman, there is no need to speak to me like that. No need, whatsoever.

The Chairman: Listen, we are moving on, okay, because I am not a child. I am moving on!

Mr. Kenneth V. Bryan: Well, move on. No one is stopping you from moving on, but you do not have to talk to me like that.

The Chairman: I have to because you are not listening. When I was talking softly, you were not listening — and you keep goading me. Do you think I don't know when I am being goaded? Don't you do it.

One more time: I am giving you an opportunity to draft an amendment, seek the Attorney General's assistance, and get it to the Committee because I will come back to it. If you are not going to do so, then I am going to take the vote on it.

Mr. Kenneth V. Bryan: Mr. Chair, unless there is time to pause for me to get it done, it makes no sense because I do not want to miss the other proceedings of the Committee, so you can move on, Mr. Chair.

The Chairman: The question is that the amendment stands part of the Bill. All those in favour—

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I do not think we even remember what amendment it is now, sir.

[Laughter]

The Chairman: Clause 48.

The Premier, Hon. Alden McLaughlin: 48(3) ...

Mr. Chairman, if you could put the question again, please?

The Chairman: The question is that the amendment stands part of the clause. All those in favour please Aye, those against no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 48 passed.

The Chairman: The question is that Clause 48, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 48 as amended, passed.

The Clerk:

Clause 49 Application for practising certificate

Amendment to clause 49

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that section 49 be amended:

- a. In subsection (2) by inserting, after the words "law firm" the words "an in-house counsel or a statutory authority" and
- b. In subsection (3)(c) by inserting after the words "disciplinary complaint or" the words "any other"

The Chairman: The amendment has been moved. Is the Premier speaking to the amendment?

The Premier, Hon. Alden McLaughlin: No, thank you, Mr. Chairman. It is just to ensure that we cover those entities in the definition.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 49 passed.

The Chairman: The question is that Clause 49, as amended, stands part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 49 as amended, passed.

The Clerk:

Clause 50 Issue of practising certificate

The Chairman: Honourable Premier.

Amendment to clause 50

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

Mr. Chairman, I move that the Bill be amended in clause 50(4)(b) by inserting after the words “disciplinary complaint or”, the words “any other”.

The Chairman: The amendment has been moved. Premier, are you speaking thereto?

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

The Chairman: The question is that the amendment does stand part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 50 passed.

The Chairman: The question is that clause 50, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 50 as amended, passed.

The Clerk:

Clause 51 When a practising certificate becomes void

The Chairman: Honourable Premier.

Amendment to clause 51

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 51 by deleting paragraph d and substituting the following paragraph:

“(d) When an Attorney-at-Law, other than a Caymanian or a holder of a Residency and Employment Rights Certificate ceases to be:

1. employed by a law firm or an affiliate of a law firm; or
2. an in-house counsel.”

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 51 passed.

The Chairman: The question is that clause 51, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 51 as amended, passed.

The Clerk:

Clause 52 Details of practising certificates to be published

The Chairman: The question is that clause 52 do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 52 passed.

The Clerk:

Clause 53 Applications for recognition

The Chairman: Honourable Premier.

Amendment to clause 53

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended in clause 53(1) by inserting after the word “company”, the word “partnership”.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 53 passed.

The Chairman: The question is that clause 53, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 53 as amended, passed.

The Clerk:

Clause 54 Recognition by Board

Amendment to clause 54

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended by deleting clause 54 and substituting therefore the following clause: "Recognition by Council

54 (1) The Council may, subject to subsection (2), recognise a company, partnership or limited liability partnership as a recognised law entity if the Council:

- a. Is satisfied that the company, partnership or limited liability partnership complies with section 28(2)(c) [sic]; and
- b. Subject to subsection (2), is otherwise satisfied that the company, partnership or limited liability partnership is a suitable body to practice Cayman Islands law.

(2) The Council shall have regard to those matters as may be prescribed in determining whether to recognise a company, partnership or limited liability partnership as a recognised law entity."

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 54 passed.

The Chairman: The question is that clause 54, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 54 as amended, passed.

The Clerk:

Clause 55 Board to issue certificate of recognition

The Chairman: Honourable Premier.

Amendment to clause 55

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended in clause 55 by inserting after the word "company", wherever it appears in subsections (1) and (3), the word "partnership".

The Chairman: The question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 55 passed.

The Chairman: The question is that Clause 55, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 55 as amended, passed.

The Clerk:

Clause 56 Appeal against refusal of recognition

The Chairman: Honourable Premier.

Amendment to clause 56

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended by deleting clause 56 and substituting the following clause:

"Appeal against refusal of recognition

If the Council refuses to recognise a company, partnership or limited liability partnership as a recognised law entity, the company, partnership or limited liability partnership may with leave of the Court of Appeal, appeal to the Court of Appeal against the refusal on the grounds that the refusal was unreasonable, having regard to all the circumstances."

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 56 passed.

The Chairman: The question is that clause 56, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 56 as amended, passed.

The Clerk:

Clause 57 Changes to be notified
Clause 58 Recognised law entity may only
practise Cayman Islands law
Clause 59 Name of the recognised law entity

The Chairman: The question is that clauses 57, 58, and 59 stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 57, 58 and 59 passed.

The Clerk:

Clause 60 Recognised law entity wound up

The Chairman: Honourable Premier.

Amendment to clause 60

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended by deleting clause 60 and substituting the following clause:

"A recognised law entity ceases to be a recognised law entity if a winding up order or its equivalent under the Companies Act (2020 Revision), Limited Liability Companies Act (2020 Revision), Partnership Act (2013 Revision) or the Limited Liability Partnership Act, 2017 is made in respect of it."

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 60 passed.

The Chairman: The question is that clause 60, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 60 as amended, passed.

The Clerk:

Clause 61 Company ceasing to be a recognised law entity and continuing to practise

The Chairman: Honourable Premier.

Amendment to clause 61

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended in clause 61 as follows:

- a. In subsection (1)
 - i. by inserting after the word "company", wherever it appears, the word "partnership" and
 - ii. by inserting the word "Director" the word "Partner"; and
- b. In subsection (2), by inserting after the word "company" wherever it appears, the word "partnership".

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 61 passed.

The Chairman: The question now is that clause 61, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 61 as amended, passed.

The Clerk:

Clause 62 Falsely claiming to be a recognised law entity

The Chairman: The question is that clause 62 do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 62 passed.

The Clerk:

Clause 63 Practice of Cayman Islands law by attorney-at-law in another jurisdiction

The Chairman: Honourable Premier.

Amendment to clause 63

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended in clause 63(1) by inserting the word “an attorney-at-law”, the words “other than a Caymanian”.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 63 passed.

The Chairman: The question is that clause 63, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 63 as amended, passed.

The Clerk:

Clause 64 Annual operational licence

The Chairman: Honourable Premier.

Amendment to clause 64

The Premier, Hon. Alden McLaughlin: Mr. Chair, I move that the Bill be amended in clause 64 as follows:

- a. In subsection (2), by deleting the words “Clerk of the Court” wherever they appear, and substituting the word “Council”;
- b. In subsection (4), by deleting the words “Clerk of the Court” and substituting the word “Council”;
- c. In subsection (5), by deleting the word “and”, and substituting the words “subject to subsection (6),”;
- d. By inserting after subsection (5) the following subsection as (6):
“The Council may suspend or revoke an annual operational licence where a law firm breaches a provi-

sion of this law or regulations made under this law.”

- e. By renumbering subsection (6) as subsection (7), and in renumbered subsection (7) by deleting the words “Clerk of the Court” and substituting the word “Council”.

The Chairman: The question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 64 passed.

The Chairman: The question now is that clause 64, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 64 as amended, passed.

The Clerk:

Clause 65 Insurance

The Chairman: Honourable Premier.

[Pause]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, are we satisfied that this Committee is quorate? All those amendments we were voting on?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Yes, but that still did not make it quorate.

The Premier, Hon. Alden McLaughlin: I am not sure how the Leader of Opposition could say because he was outside.

The Chairman: Honourable Member, if you are calling for quorum at this point, it can be accepted; prior to that, we already passed it, and I thought we had enough Members at that time.

Hon. V. Arden McLean, Leader of the Opposition: That is why I am asking you, Mr. Chairman, whether you are satisfied that the Committee was quorate during all those decisions.

The Premier, Hon. Alden McLaughlin: You mean during your absence.

The Chairman: Yes.

Hon. V. Arden McLean, Leader of the Opposition: Yes, I was absent but the Committee still was not quorate, was it?

The Premier, Hon. Alden McLaughlin: How would you know that?

The Chairman: It is not a question—

Hon. V. Arden McLean, Leader of the Opposition: When I walked in, there were only seven people.

The Chairman: Honourable Member, at this point in time you cannot question it; you know that. You can question that we are not quorate *at this point*, but you cannot question that we were not before.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, when I walked in, there were only eight people...

The Chairman: When you were walking in, people were walking out as you might have noticed.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: Can we ask the Member for George Town since he was here?

The Chairman: Honourable Member, as Presiding Officer, far as I am concerned we were quorate. If you are seeking a quorum at this point, then raise that; but you cannot raise something you were not at, and ask a Member to verify it. You know better.

Hon. V. Arden McLean, Leader of the Opposition: No, I cannot ask him to verify it, but you can ask him if we were; however, you say as far as you are concerned we were quorate.

The Chairman: I do not need to ask him. I was sitting on this chair and I am saying we were quorate.

[Laughter]

The Chairman: If you all have nothing else to row about, leave the Chair alone so we can get on with the business.

The Premier, Hon. Alden McLaughlin: Go back outside and smoke some more cigarettes.

Hon. V. Arden McLean, Leader of the Opposition: That is not your business.

The Premier, Hon. Alden McLaughlin: You are supposed to be in here doing the country's business. Coming in trying to disrupt—

Hon. V. Arden McLean, Leader of the Opposition: Yeah, but you are supposed to have a quorum, too.

The Premier, Hon. Alden McLaughlin: Yes, because you are supposed to make it up.

Hon. V. Arden McLean, Leader of the Opposition: Yeah, like you do not have the majority.

The Premier, Hon. Alden McLaughlin: You all get paid; you are supposed to be in here doing your work.

Hon. V. Arden McLean, Leader of the Opposition: Oh, you are starting that McKeeva thing now.

The Chairman: As you say, please do not “*vo/ve*” me in this.

Mr. Kenneth V. Bryan: Mr. Chairman, in all honesty. I am a new Member but—

The Chairman: Unless you have a point pertaining to where we are at this point in time — if you are talking about quorum, you are not going back there. Okay?

Mr. Kenneth V. Bryan: You want to shut—

The Chairman: Member, as long as you have been in this House—

Mr. Kenneth V. Bryan: You just let the Premier talk about something—

The Chairman: You would have known whether we were quorate or not because you did not come here yesterday; you have been here four years now.

Mr. Kenneth V. Bryan: Mr. Chairman—

The Chairman: Therefore, as far as the Chair is concerned, we were quorate. When the Leader of the Opposition was walking in, some Members were walking out. As far as I am concerned, that is what I saw.

Mr. Kenneth V. Bryan: Mr. Chairman, *why you ‘vo/ve me in this fah?* You don’t even know what I am about to say, but you are talking already.

Mr Chairman—

The Chairman: Well, I can tell you this: You already had your chance. That’s it. Please let us get back to the agenda, unless somebody is calling for a quorum.

[Pause]

The Chairman: If nobody is calling for a quorum, as far as I am concerned we have *[counting]* 11 Members.

[Inaudible interjection]

The Chairman: I wish I could.

[Pause]

The Chairman: Clause 65?

[Inaudible interjection]

The Chairman: Please, order in this Committee. Honourable Premier.

Amendment to clause 65

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 65 by deleting the word “may” and substituting the word “shall”.

The Chairman: Unless Members are prepared to speak, the question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 65 passed.

The Chairman: The question is that clause 65, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 65 as amended, passed.

The Clerk:
Clause 66 Annual compliance certificate

Amendment to clause 66

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 66(5) by deleting the word “five” and substituting the word “twenty”.

The Chairman: Unless anyone is prepared to speak, the question is —

Mr. Kenneth V. Bryan: Mr. Chair.

The Chairman: The Member for George Town Central.

Mr. Kenneth V. Bryan: Forgive me again for my lack of process understanding. I sent an amendment to this Bill. Does the Government get their chance to submit their amendments first even though theirs are seven days after mine? Is that how it works?

The Chairman: Before you get to that, the question is that the amendment as moved by the Premier, stands part of the clause. All those in favour—

Mr. Kenneth V. Bryan: Mr. Chair, I have something to say because I have an amendment to the same clause.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Yeah.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: I have carriage of the Bill.

Mr. Kenneth V. Bryan: Mr. Chair, I would like to speak to the amendment.

The Chairman: The amendment is open.

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

[Inaudible interjection]

Mr. Kenneth V. Bryan: He has not taken the vote yet, so I am allowed to speak to your amendment.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I have not got to speak to it either. It is my amendment.

The Chairman: It is your amendment, Premier.

The Premier, Hon. Alden McLaughlin: I know the Member is desperate to get over this side but he has to take his time... I hope I am long retired by then.

Mr. Chairman, this amendment to clause 66 increases the penalty for a firm that fails to comply with the requirement of this section from \$5,000 to \$20,000. The amended subsection will read: “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 \$20,000.”

That is the effect of the amendment, Mr. Chairman.

[Crosstalk]

The Chairman: The Member for George Town Central.

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

I am a bit confused because during this morning's meeting we discussed this particular clause and the Government gave me their commitment to accept my amendment which was filed seven days before theirs. Now it is as if the Premier is trying to suggest it was their amendment and does not even have the decency to say, "*Well, boy, we had a discussion with the Member and we agreed to increase it to twenty-five*" — I mean, is that the norm or what are we doing here?

The Chairman: What are you asking the Chair to do?

Mr. Kenneth V. Bryan: I am asking the Chair whether the Government has changed its position. What is the point of having negotiations and discussions about these amendments, and talk about how much we went through this morning, if we are not going to agree to what we said?

The Chairman: Premier.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, the Member is quite free to move his amendment in due course.

What we certainly have not had the entire evening is that Member's cooperation with respect to anything else we are trying to do, so I do not know where he is coming from about this wonderful partnership that we have with him in respect of this Bill, because we are certainly not feeling the love out here.

[Inaudible interjection]

The Chairman: The question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 66 passed.

The Chairman: The question now is that clause 66, as amended, stands part of the Bill. Are you still going to move yours?

Mr. Kenneth V. Bryan: Of course, I am still going to move mine, Mr. Chair. You are not going to give me my privilege in this Committee?

The Chairman: Is it the same thing?

[Inaudible interjection]

The Chairman: Your amendment is the same as what the Government has moved.

Mr. Kenneth V. Bryan: Mr. Chair, if you read the amendment appropriately and clearly, one says to exchange a word, while the other puts a word before another, so they are not the same.

The Chairman: Honourable Member for George Town Central, continue.

Independent Member's Amendment to clause 66

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

In accordance with the provisions of Standing Orders 52(1) and (2), I, MP Kenneth V. Bryan, Elected Member for George Town Central, give notice to move the following amendment to the Legal Services Bill, 2020.

That the Bill be amended in clause 66, Annual Compliance Certificate, in subsection (5) to insert in the last line, after the word "of", the word "twenty"; therefore, the Bill would read—

The Chairman: The Member may speak to his amendment if he cares to.

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

The Bill would then read, under clause 66(5): "If a law firm fails to comply with the requirements of this section, each manager of the law firm commits an offence and is liable on summary conviction to a fine of \$25,000" which the Government agreed to just hours ago.

The Chairman: The question is that the amendment put forward by the Member for George Town Central stand part of the clause. All those in favour please say Aye, those against, no.

[Pause]

The Chairman: Member for George Town Central? It is your amendment.

Mr. Kenneth V. Bryan: Mr. Chairman, what is the point of voting on it when the Members are not going to support it after making arrangements behind—

The Premier, Hon. Alden McLaughlin: Mr. Chairman, just put it to vote.

The Chairman: I will repeat the question.

The question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES and NOES

The Chairman: The Noes have it.

Agreed: Independent Member's amendment to clause 66 failed.

The Chairman: The question now is that Clause 66, as amended, do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 66 as amended, passed.

The Clerk:

Clause 67	Recognised legal educators
Clause 68	System of legal education and practical legal training
Clause 69	Regulations in respect of qualifying as an attorney-at-law
Clause 70	Regulations for programme of legal education or practical legal training
Clause 71	Regulations - service under articles of clerkship
Clause 72	Qualifications required to take on an articulated clerk
Clause 73	Recognised law entity may take on an articulated clerk
Clause 74	Articles of Clerkship served in Government offices
Clause 75	Service in a legal or judicial department
Clause 76	Power of the Board to discharge articles of clerkship
Clause 77	Transfer of articles of clerkship
Clause 78	Obligations of attorney-at-law or recognised law entity in relation to an articulated clerk

The Chairman: The question now is that clauses 67 to 78 do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 67 to 78 passed.

The Clerk:

Part 11	Investigation of Alleged Professional Misconduct
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[Inaudible interjections]

Amendment to Heading of Part 11

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

Mr. Chairman I move that the Bill be amended in the heading of Part 11 by inserting after the word "investigation" the words "and determination".

The Chairman: The question now is that the amendment [to the heading of] Part 11 does stand part of the Bill...

[Pause]

The Chairman: To make it absolutely clear, the question is that the amendment stands part of [the heading] of Part 11. It is a funny way of wording it, but it has got to be very clear so that the Attorney General will understand when he goes to do his work on it.

The Premier, Hon. Alden McLaughlin: Yes.

The Chairman: Because from my understanding, it is not a complete cause; it is just the heading of Part 11— so we got it clear.

The Premier, Hon. Alden McLaughlin: Correct.

The Chairman: All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Heading of Part 11 as amended, passed.

The Clerk:

Clause 79	Application to senior office holders
Clause 80	Complaints of professional misconduct by attorneys-at-law

The Chairman: The question is that clauses 79 and 80 do stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 79 and 80 passed.

The Clerk:

Clause 81	Board to investigate complaints
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Amendment to clause 81

The Premier, Hon. Alden McLaughlin: Mr. Chairman I move that the Bill be amended by deleting clause 81 and substituting the following clause:

“Legal Services Disciplinary Tribunal

81. (1) There is established a body called Legal Services Disciplinary Tribunal for the purpose of hearing and determining matters referred to it under this law, in respect of alleged professional misconduct by attorneys-at-law.
- (2) The Disciplinary Tribunal consists of the following members appointed by the Council —
- (a) a retired judge who shall be the chairperson of the Disciplinary Tribunal; and
- (b) subject to subsection (3), a panel of seven members appointed on an annual basis who shall be attorneys-at-law of at least ten years' standing.
- (3) Where the Council refers a matter to the Disciplinary Tribunal under section 82(12), the chairperson of the Disciplinary Tribunal shall appoint two members of the panel referred to in subsection (2)(b) whom the chairperson considers suitable to comprise the Disciplinary Tribunal for the purpose of hearing and determining the matter.
- (4) In the exercise of its functions the Disciplinary Tribunal shall not be subject to the direction or control of the Council or any other person.
- (5) Subject to this Act and the regulations made under subsection (8), the Disciplinary Tribunal shall regulate its own procedures and may make rules governing its procedures.
- (6) The Disciplinary Tribunal shall publish in the *Gazette* as well as in such other media as the Disciplinary Tribunal determines notice of any rules made by the Disciplinary Tribunal under this section.
- (7) The notice under subsection (6) shall state where copies of the rules made by the Disciplinary Tribunal under this section may be obtained.
- (8) The Cabinet, after consultation with the Council, may make regulations with regard to the conduct of proceedings by the Disciplinary Tribunal and any other matters relating to the Disciplinary Tribunal

that the Cabinet may consider necessary.

- (9) A person shall not participate as a member of the Disciplinary Tribunal and of the Council in relation to the same matter.
- (10) A member of the Disciplinary Tribunal is not liable for claims, damages, costs, charges or expenses resulting from the discharge or purported discharge of a function of the member as a member of the Disciplinary Tribunal.
- (11) Subsection (10) does not apply to claims, damages, costs, charges or expenses caused by the bad faith of the member of the Disciplinary Tribunal.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, that whole new section is inserted as a result of the consultation process in which we concluded and agreed that it is only proper that there be a separate and free-standing disciplinary tribunal to actually adjudicate on complaints of breach of discipline, as such complaints would have been investigated by the Council itself. We did not want a situation where the Council was essentially investigating the complaints, prosecuting them, and determining whether or not they were made out.

As I've said before, this Bill has had extensive, broad-based consultation; hence, the many committee-stage amendments being brought by me on behalf of the Government.

The Chairman: Does any other Member wish to speak? If not, the question is that the amendment stands part of the Clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 81 passed.

The Chairman: The question is now that clause 81, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES

The Chairman: The Ayes have it.

Agreed: Clause 81, as amended passed.

The Clerk:

Clause 82 Board to publish rules

The Chairman: Honourable Premier.

Amendment to clause 82

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended by deleting Clause 82 and substituting therefore the following clause:

“Council to investigate complaints

82. (1) The Council shall investigate a complaint filed under section 80.
- (2) The Council shall, on its own initiative, investigate any conduct of an attorney-at-law if the Council becomes aware that the conduct may constitute professional misconduct by the attorney-at-law.
- (3) The Council has no power to investigate any conduct by an attorney-at-law that was known or could reasonably have been known by the complainant or Council more than six years before the complaint was made or the Council became aware of the conduct.
- (4) The Council has the power to do everything reasonably necessary to investigate any conduct of an attorney-at-law that is alleged to constitute professional misconduct.
- (5) Without prejudice to the generality of the power of the Council under subsection (4), the Council may require the production of a document or any other information from a person who the Council has reasonable grounds to believe can assist in investigating the conduct.
- (6) A person commits an offence if the person when required to do so under subsection (5), fails or refuses to produce a document or any other information or produces a document or information that is false or misleading.
- (7) A person who commits an offence under subsection (6) is liable —
 - (a) on summary conviction to a fine of \$20,000 or to imprisonment for a term of two years, or to both; or
 - (b) on conviction on indictment to a fine of \$50,000 or to imprisonment for a term of five years, or to both.
- (8) The Council shall make rules regarding the procedure for its investigation of the conduct of attorneys-at-law.
- (9) The rules made under subsection (8) shall set out —
 - (a) the manner in which a complaint may be made to the Council about

the conduct of an attorney-at-law; and

- (b) the manner in which the Council will conduct its investigation into the conduct of an attorney-at-law.
- (10) The Council shall publish in the *Gazette* as well as in such other media as the Council determines notice of any rules made by the Council under this section.
- (11) The notice under subsection (10) shall state where copies of the rules made by the Council under this section may be obtained.
- (12) Unless the Council, having investigated a complaint filed under section 80 or the conduct of an attorney-at-law on its own initiative under subsection (2), finds that the matter is frivolous or vexatious, the Council shall refer the matter to the Disciplinary Tribunal.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 82 passed.

The Chairman: The question now is that clause 82, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 82, as amended passed.

The Clerk:

Clause 83 Powers of the Board to investigate

The Chairman: Honourable Premier.

Amendment to clause 83

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

Mr. Chair, I move that the Bill be amended by deleting clause 83 and substituting the following clause:

“Disciplinary Tribunal to hear and determine matter

83. (1) The Disciplinary Tribunal shall hear and determine a matter referred to it under section 82(12).

- (2) The Disciplinary Tribunal has the power to do everything reasonably necessary to hear and determine a matter referred to it under section 82(12).
- (3) Without prejudice to the generality of the power of the Disciplinary Tribunal under subsection (2), the Disciplinary Tribunal may do any of the following —
 - (a) convene a hearing to investigate the conduct;
 - (b) issue a summons to compel the attendance of a person at a hearing;
 - (c) require the production of a document or any other information from a person who the Disciplinary Tribunal has reasonable grounds to believe can assist in investigating the conduct;
 - (d) require a person to verify by affidavit a document submitted or information provided to the Disciplinary Tribunal; and
 - (e) examine witnesses on oath, affirmation or otherwise at a hearing.
- (4) A person commits an offence if the person —
 - (a) fails to comply with a summons issued by the Disciplinary Tribunal under subsection (3)(b);
 - (b) when required to do so under subsection (3)(c), fails or refuses to produce a document or any other information or produces a document or information that is false or misleading;
 - (c) when required to do so under subsection (3)(d), fails or refuses to verify a document submitted or information provided to the Disciplinary Tribunal by affidavit when required to do so by the Disciplinary Tribunal; or
 - (d) as a witness at a hearing by the Disciplinary Tribunal, fails or refuses to answer a question put to the person or provides an answer that is false or misleading.
- (5) A person who commits an offence under subsection (4) is liable —
 - (a) on summary conviction to a fine of \$20,000 or to imprisonment for a term of two years, or to both; or
 - (b) on conviction on indictment to a fine of \$50,000 or to imprisonment for a term of five years, or to both.
- (6) Subject to this Act and to regulations made under section 81(8), the Disciplinary Tribunal shall make rules regarding the procedure for hearing and determining a matter referred to it under section 82(12).
- (7) The rules made under subsection (6) —
 - (a) may provide for preliminary proceedings to be held to determine if sufficient evidence of an attorney-at-law's conduct exists to show if it may amount to professional misconduct;
 - (b) shall give an attorney-at-law whose conduct is in question a reasonable opportunity to be heard either in person or through counsel; and
 - (c) shall provide that a hearing of the Disciplinary Tribunal is to be held in public unless the Disciplinary Tribunal is of the view that publicity would prejudice the interests of justice or commercial confidence.
- (8) The Disciplinary Tribunal shall publish in the *Gazette* as well as in such other media as the Disciplinary Tribunal determines notice of any rules made by the Disciplinary Tribunal under this section.
- (9) The notice under subsection (8) shall state where copies of the rules made by the Disciplinary Tribunal under this section may be obtained.

That's it, Mr. Chairman; rather long.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 83 passed.

The Chairman: The question now is that clause 83, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 83, as amended passed.

The Clerk:

Clause 84 Disciplinary sanctions

The Chairman: Honourable Premier.

Amendment to clause 84

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

Mr. Chair, I move that the Bill be amended by deleting clause 84 as follows:

- a. In subsection (1) by deleting the words “If, after investigating any conduct of an attorney-at-law, the Board is satisfied the conduct constitutes professional misconduct by the attorney-at-law, the Board may take one or more of the following actions —” and substituting the words:
“If, after hearing and determining a matter referred to the Disciplinary Tribunal, the Disciplinary Tribunal is satisfied that the conduct constitutes professional misconduct by the attorney-at-law, the Disciplinary Tribunal may take one or more of the following actions —”; and
- b. In subsection (2), by deleting the word “Board” wherever it appears, and substituting the words “Disciplinary Tribunal”.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 84 passed.

The Chairman: The question now is that Clause 84, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 84, as amended passed.

The Clerk:

Clause 85 Striking off and suspension from practice to be published

The Chairman: Honourable Premier.

Amendment to clause 85

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended in clause 85 by deleting the word “Board” and substituting the words “Disciplinary Tribunal”.

The Chairman: The question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 85 passed.

The Chairman: The question now is that clause 85, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 85, as amended passed.

The Clerk:

Clause 86 Interim orders

The Chairman: Honourable Premier.

Amendment to clause 86

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that the Bill be amended by deleting clause 86 and substituting the following clause:

“Interim orders

86. (1) If any conduct of an attorney-at-law is being investigated by the Council, the Court may make an interim order that the attorney-at-law be suspended from practice until the investigation has been completed and any subsequent order made by the Disciplinary Tribunal under section 84 has come into effect.

(2) If the investigation is into the alleged misuse of a trust fund by the attorney-at-law, the Court, on the application of the Council, may make an order that, until the investigation has been completed and any subsequent order made by the Disciplinary Tribunal under section 84 has come into effect, a trust fund operated by the attorney-at-law shall be operated by an accountant or a bank approved by the Council.”

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 86 passed.

The Chairman: The question now is that Clause 86, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 86, as amended passed.

The Clerk:

Clause 87 Restoration of name to Roll

Amendment to clause 87

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 87(1) by deleting the word "Board" where it first occurs, and substituting the words "Disciplinary Tribunal".

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 87 passed.

The Chairman: The question now is that clause 87, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 87, as amended passed.

The Clerk:

Clause 88 Termination of suspension

Amendment to clause 88

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 88 by

deleting subsection (1) and substituting the following subsection:

"88. (1) If an attorney-at-law has been suspended from practice on the order of the Disciplinary Tribunal under section 84, the attorney-at-law may at any time apply to the Council for the suspension to be terminated.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 88 passed.

The Chairman: The question now is that clause 88, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 88, as amended passed.

The Clerk:

Clause 89 Form and proof of order of Board

Amendment to clause 89

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 89 as follows:

- a. In the section's heading by deleting the word "Board" and substituting the word "Council or Disciplinary Tribunal";
- b. By renumbering clause 89 as clause 89(1); and
- c. By inserting after clause 89(1) as renumbered, the following subsection

(2) A document purporting to be —

- (a) an order of the Disciplinary Tribunal; and
 - (b) signed on its behalf by the chairperson of the Disciplinary Tribunal,
- shall, in the absence of evidence to the contrary, be taken to be an order of the Disciplinary Tribunal duly made, without proof of its making, or proof of signature, or proof that the person signing the order was entitled to sign the order.

The Chairman: If no other Member wishes to speak, the question is that the amendment stands part of the

clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 89 passed.

The Chairman: The question now is that clause 89, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 89, as amended passed.

The Clerk:

Clause 90 Certain orders to be filed in Court

Amendment to clause 90

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 90 as follows:

- a. In subsection (1) by deleting the word "Board" and substituting the words "Council or Disciplinary Tribunal"; and
- b. In subsection (3) by deleting the words "section 94" and substituting the words "section 92".

The Chairman: The question is that the amendment stands part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 90 passed.

The Chairman: The question now is that clause 90, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 90, as amended passed.

The Clerk:

Clause 91 Enforcement of order of Board

Amendment to clause 91

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 91 by deleting the word "Board" wherever it appears, including in the section heading and substituting the words, "Disciplinary Tribunal".

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 91 passed.

The Chairman: The question now is that clause 91, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 91, as amended passed.

The Clerk:

Clause 92 Appeal from decision of the Board

Amendment to clause 92

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended by deleting clause 92 and substituting therefore the following clause:

"Appeals

92. (1) An attorney-at-law may appeal to the Court of Appeal against an action taken by the Disciplinary Tribunal under section 84.
- (2) An appeal under subsection (1) shall be by way of a new hearing in respect of the conduct of the attorney-at-law that the Disciplinary Tribunal has determined constituted professional misconduct by the attorney-at-law.
- (3) A person aggrieved by a decision of the Council may, with leave of the Court of Appeal, appeal to the Court of Appeal against the decision of the Council.
- (4) An appeal under this section shall be made within such time and in such form as may be prescribed by Rules of the Court of Appeal.
- (5) On hearing an appeal under this section, the Court of Appeal may confirm,

reverse, or modify the action taken by the Council or Disciplinary Tribunal.”

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 92 passed.

The Chairman: The question now is that clause 92, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 92, as amended passed.

The Clerk:

Clause 93	Trusteeships held by attorney-at-law suspended or struck off
Clause 94	Attorney-at-law shall comply with conditions and restrictions
Clause 95	Board to inform police of possible offence

The Chairman: The question now is that clauses 93, 94, and 95 stand part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 93, 94, and 95 passed.

The Clerk:

Clause 96	Practice in the Islands of the law of another jurisdiction
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Amendment to clause 96

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 96(10) by deleting the words “appeal to the Court” and substituting the words “with leave of the Court of Appeal, appeal to the Court of Appeal”.

The Chairman: The question is that the amendment does stand part of the clause. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 96 passed.

The Chairman: The question now is that clause 96, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 96, as amended passed.

The Clerk:

Clause 97	False or misleading information
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The Chairman: Honourable Premier.

Amendment to clause 97

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

Mr. Chair, I move that the Bill be amended in clause 97(2) by deleting the word “ten” and substituting the word “twenty-five”.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 97 passed.

The Chairman: The question now is that clause 97, as amended, stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 97, as amended passed.

The Clerk:

Clause 98	Liability of officers
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The Chairman: The question is that Clause 98 stands part of the Bill. All those in favour, please say, Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 98 passed.

The Clerk:

Clause 99 Regulations

Proposed Amendment to clause 99

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

Mr. Kenneth V. Bryan: Mr. Chairman.

The Premier, Hon. Alden McLaughlin: I beg to move—

Point of Order

Mr. Kenneth V. Bryan: Mr. Chairman. I would like to move a point of order.

The Chairman: Honourable Member.

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

Under Standing Orders 52(2), “**Notice of any amendment, new clause, or new Schedule proposed to be moved to the Bill shall be given in writing not later than two days before that on which the Bill is to be considered in Committee.**” I do not accept this one under the Standing Orders because they did not give me notice — the notice date on these is today, the 16th day of December.

Now, the provisions in this Standing Order protect all Members of this House’s opportunity to investigate the ramifications of all amendments proposed to this House. I have not been given that opportunity; therefore, I ask that you strike this amendment from the record.

The Chairman: Which amendment are you asking to be struck?

Mr. Kenneth V. Bryan: The last amendment proposed by the Government, clause 99.

The Chairman: It has not been moved yet. Is that the one you are talking about?

Mr. Kenneth V. Bryan: Yes, Mr. Speaker. Which is the one they are about to move now.

The Chairman: And why are you saying that?

Mr. Kenneth V. Bryan: Because the Standing Orders does not allow it to.

The Chairman: Which Standing Order?

Mr. Kenneth V. Bryan: Section 52(2).

The Premier, Hon. Alden McLaughlin: Mr. Chairman, we are happy to do that. We are happy not to move it. It is fine.

The Chairman: The Presiding Officer has the...

The Premier, Hon. Alden McLaughlin: I know, sir. I am only indicating the Government’s position. We do not have any difficulty with this at all.

Mr. Kenneth V. Bryan: Mr. Chairman, if that is the case, they should be happy to strike off all of them because all of their amendments today were contrary to Standing Orders.

The Chairman: No.

Honourable Member, the Presiding Officer has the authority to waive notices at any given time.

Mr. Kenneth V. Bryan: Sorry?

The Chairman: The authority of the Chair... The Chair can waive notices at any given time.

Mr. Kenneth V. Bryan: Mr. Chairman, if I understand what you are saying correctly: You waived the Government the opportunity to bring fifty amendments to probably one of the most important Bills before this country... on the day the amendments were supposed to go to the Committee?

The Chairman: Yes, I did. In particular, Members have not raised it until ten minutes to eight, yet you had them how long?

Mr. Kenneth V. Bryan: From this morning?

The Chairman: Okay; from ten o’clock this morning until ten minutes to eight, no Member of this honourable House raised any objection about the Government’s amendments! Nobody.

You all should have come to the Floor of the House when we took them — you had all the time.

Mr. Kenneth V. Bryan: Mr. Chairman.

The Chairman: The Presiding Officer has waived the Standing Order giving the Government permission to put forward its amendments and that is done in nearly every Meeting of this honourable House. That is not you.

Mr. Kenneth V. Bryan: I agree, Mr. Chairman, but—

The Chairman: Honourable member, you have had your say. We are moving on.

Mr. Kenneth V. Bryan: Mr. Chairman—

The Chairman: We are moving on. You have made your complaint, and it is recorded in the *Hansard*.

**Withdrawal of Proposed
Amendment to clause 99**

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move the withdrawal of the proposed amendment to Clause 99, which is in paragraph 49 of the Notice of Committee Stage amendments.

Mr. Kenneth V. Bryan: The facts will come out now, though.

The Premier, Hon. Alden McLaughlin: If that is the point of objection, we withdraw it, Mr. Chairman.

The Chairman: The question is that the amendment to clause 99...

The Premier, Hon. Alden McLaughlin: The Proposed amendment to Clause 99.

The Chairman: The proposed amendment number 99 be withdrawn. That is the question, honourable Members. All in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Proposed amendment to clause 99 withdrawn.

The Chairman: The Member for George Town Central has an amendment.

**Independent Member's
Amendment to clause 99**

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

In accordance with the provisions of Standing Order 52(1) and (2) I, MP Kenneth V. Bryan, Elected Member for George Town Central, give notice to move the following amendment to the Legal Services Bill, 2020.

In Clause 99, under Regulations, to insert after Clause 99 (3) the following subclause:

- (4) No regulations shall be made pursuant to this law unless a draft thereof has been laid before the Parliament, and a resolution approving the draft has been passed by the Parliament.

The Chairman: The amendment has been moved. Is the member speaking thereto?

Mr. Kenneth V. Bryan: Yes, Mr. Chair.

Mr. Chair, I used the provisions within the Standing Orders to ask you to revoke the previous proposed amendment by the Government, which I appreciate the Government was willing to do; but that previous provision is unlike this one whereby those Regulations govern the process by which Cayman lawyers will be treated in the firms and their pathway to success within the industry or legal fraternity in the Cayman Islands.

Those Regulations are the key piece of the puzzle to the protections we all seek and which have been the discussion in the airwaves and in this honourable House. Therefore, Mr. Chairman, because of their significance to Caymanian lawyers in this fraternity, I think it is important not to have them done within the secrecy of Cabinet, but in the public sunshine of this Parliament. I think it is important that Regulations that are proposed or changed have to come to this House to get a positive resolution; and therefore, opportunity for debate in this honourable House.

The Government was happy to withdraw the previous one, which only allowed a subject to be debated; this one makes it a mandatory debate in the House whereby the good people of this country, particularly those who are attorneys, can have the opportunity to see what the Government's position will be in respect of any Regulations that have association with this Bill.

I would be interested to see whether the Government would rather have it done in secret in Cabinet than before the people, particularly, because the Regulations are so important to the success of all Caymanian attorneys in their pathway within the industry. The Government can indicate to them what its position is.

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

The question is that the amendment stands part of the clause. All those in favour please Aye, those against, no.

AYE and NOES.

The Chairman: The Noes have it.

Agreed: Member for George Town Central's amendment to clause 99 failed.

Mr. Kenneth V. Bryan: Mr. Chair.

The Chairman: Yes.

Mr. Kenneth V. Bryan: Just a matter of clarity on the point of order: Are you giving permission to waive the Standing Orders for all of their amendments that were proposed to the honourable Committee?

The Chairman: That was done a long time ago.

Mr. Kenneth V. Bryan: I do not recall it being on the record.

The Chairman: Honourable Member, when a Member submits a question or any matter to the Presiding Officer, the Presiding Officer has a decision to make. If there is nothing wrong with it, it goes forward; if it needs suspension of Standing Orders, it is said.

In this case, where amendments come before the House in a day, in a couple of minutes, whatever, permission is usually given at that time — whenever it comes to my desk.

Mr. Kenneth V. Bryan: Fair enough, Mr. Chairman.

I am trying to understand the provisions in 52(2); the importance of the two-day requirement therein, and it is to give us enough opportunity to analyse changes properly and ensure that we know their ramification exactly, yet you are waiving the opportunity for us to verify. Correct?

The Chairman: [52. 2] “Notice of any amendment, new clause or new Schedule proposed to be moved to the Bill shall be given in writing not later than two days before that on which the Bill is to be considered in Committee; and, except” — and except — “with leave of the Chairperson no amendment of which notice has not been given may be moved”. *Except with leave of the Chairman*

Mr. Kenneth V. Bryan: Mr. Chairman, you are not incorrect. I agree; I read that part clearly so I understand.

However, I want the honourable Committee to recognise that from a democratic perspective, that exception leaves us at a disadvantage to examine those amendments and their ripple effects.

The Chairman: Most times those amendments, honourable Member, are given a whole day, mostly. If it is a matter of a few hours, Members will bring it to the Floor or to somebody’s attention. Most amendments like that are given a day and—

Mr. Kenneth V. Bryan: However, we were not given a day. I got these at 11 o’clock today, Mr. Chairman.

The Chairman: — It is with the leave of the Chair.

Mr. Kenneth V. Bryan: It is what I am saying: You did not give notice that leave was given.

The Chairman: I did what?

Mr. Kenneth V. Bryan: I was not given notice—

The Chairman: But you are not the Chair.

Mr. Kenneth V. Bryan: Fair enough.

[Inaudible interjection]

Mr. Kenneth V. Bryan: They are not going to explain that.

[Crosstalk]

Mr. Kenneth V. Bryan: Mr. Chairman, just a point of clarity. I am not saying that you are supposed to notify anybody, but is it the assumption that approval has already been given since you, (the Chair), and the Clerk, are reading it before the Committee?

Is it to be assumed that permission has already been given; otherwise, it would not have gotten that far?

[Inaudible interjection]

Mr. Kenneth V. Bryan: Correct. Thank you, Mr. Chair. That is what I wanted to understand.

The Chairman: I do not know who will be back after the next election; none of us might be, but if we are so blessed, we shall have a post-election seminar where some of these can be reinforced, because I am sure we have attended enough seminars to know some of these Standing Orders and the provisions and conventions of Parliament.

Mr. Kenneth V. Bryan: Mr. Chairman, I agree with you, but it is not about knowing the Standing Orders so much as how they manoeuvre around the loopholes in the Standing Orders to play their game.

The Chairman: And if you know them, they cannot manoeuvre past you, but what you are raising now is not right, and—

Mr. Kenneth V. Bryan: No, no, no—

The Chairman: We are going to stop it right now.

Mr. Kenneth V. Bryan: They cannot do it without your assistance, Mr. Chair, because they could not get them passed without your approval.

The Chairman: No, no, no, no.

Listen: You are going a little too far, Member, and because you are new I give you leeway for all that; but you have stated a number of things to the Presiding Officer which are in contravention of Standing Orders in what you say and how you say it.

Mr. Kenneth V. Bryan: Sorry, Mr. Chairman, I apologise. I am just talking about the interpretation of...

The Chairman: Yeah, my mama used to say that too, when she used to beat the hell out of me.

[Laughter]

Mr. Kenneth V. Bryan: Yeah, you cannot beat me, though, so in that respect it is okay.

In respect to the Standing Orders, it says, “*except with the leave of the Chairman*”, so I am correct in saying they cannot do it without your approval in respect to the Standing Orders. That is what I am talking about.

The Chairman: I don’t know what you think you are going to get out of what you are doing except you got people listening who think we are in a big quarrel. I think that is what you aim to get at.

However, you are not playing with a little boy in this chair. I have been here 36 years and I know my Standing Orders. I know what I can and cannot do, and I do not need lawyers to tell me all the time. I get lawyers to reinforce what I believe, what I see, and what I know; but you have gone a little bit too far and you are doing it just to nettle me, because I know how you do it. Please stop. We are done. We are done! We have finished this point, okay?

Honourable Members, for belts and braces’ sake I would appreciate taking the vote on Clause 99 again. The question is that Clause 99 stands part of the Bill. All in favour please say Aye.

AYE.

The Chairman: Those against?

[Pause]

The Premier, Hon. Alden McLaughlin: We are voting on the Clause in the Bill?

The Chairman: In the Bill.

Mr. Kenneth V. Bryan: Mr. Chairman, you cannot stop — I am sorry, forgive me, but they just voted, and you are stopping to try to correct them on what they voted for? They should know what their vote is.

The Chairman: Listen, listen.

Please understand: If you were asking a question I would stop and try to answer it. If I was not sure, I would do what I just did, and that is to ask so as to ensure we have done the right thing. What we call belts and braces is to take the vote over to ensure we have taken the vote.

[Crosstalk]

The Chairman: No, you are wrong. I forgive you for your ignorance of the rules.

The Clerk:

Clause 100

Repeal and savings

Clause 101

Savings, transitional and consequential provisions

The Chairman: The question is that clauses 100 and 101 stand part of the Bill. All those in favour please say Aye, those against?

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 100 and 101 passed.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, as the final matter, I beg to move that the Bill be amended by deleting the word “Board” wherever it appears and substituting therefore the word “Council”.

The Chairman: The question is that the Bill be amended by deleting the word “Board” and substituting the word “Council”. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to Bill passed.

The Clerk: 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 Chairman: The question now is that the title does stand part of the Bill. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: The title passed.

The Chairman: The question now is that the Bill be reported to the House. All those in favour please say Aye, those against, no.

AYES.

The Chairman: The Ayes have it.

Agreed: The Bill will be reported to the House.

House resumed at 8:08 p.m.

The Speaker: Proceedings are resumed. Please be seated.

[Inaudible interjection]

Suspension of Standing Order 10(2)

The Speaker: Yes, the Premier will move the 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) that the business of the House may resume well after the hour of interruption.

The Speaker: The question is that the honourable House do conduct its business after the hour of 4:30. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

REPORT ON BILLS

Legal Services Bill, 2020

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am to report that a Bill shortly entitled the Legal Services Bill, 2020 was considered by a Committee of the whole House and, after much contention, passed with amendments.

The Speaker: The Bill has been duly reported and is set down for a third reading.

THIRD READINGS

Legal Services Bill, 2020

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move the Third Reading of a Bill shortly entitled the Legal Services Bill, 2020.

The Speaker: The question is that a Bill shortly entitled the Legal Services Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: The Legal Services Bill, 2020 passed.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Mr. Speaker can we have a division, please?

The Speaker: Madam Clerk, please divide.

Division No. 48-2020

AYES: 10

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart
Hon. Tara A. Rivers
Capt. A. Eugene Ebanks
Hon. Barbara E. Conolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.
Mr. Kenneth V. Bryan

NOES: 0

Absentees: 6

Hon. Juliana Y. O'Connor-Connolly
Hon. Joseph X. Hew
Mr. Alva H. Suckoo, Jr.
Mr. Anthony S. Eden
Mr. D. Ezzard Miller
Mr. Bernie A. Bush

Abstentions: 2

Hon. V. Arden McLean
Mr. Christopher S. Saunders

[Pause]

The Speaker: The results of the division: 10 Ayes, 2 abstentions, 6 absentees. The Bill has been passed.

Agreed: Legal Services Bill, 2020, read a third time and passed.

Private Funding of Legal Services Bill, 2020

The Speaker: The Honourable Attorney General.

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

Mr. Speaker, I beg to move that a Bill shortly entitled Private Funding of Legal Services Bill, 2020 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled Private Funding of Legal Services Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Private Funding of Legal Services Bill, 2020, read a third time and passed.

**Virtual Asset (Service Providers)
(Amendment) Bill, 2020**

The Speaker: The Honourable Minister of Financial Services.

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

Mr. Speaker, I beg to move that a Bill shortly entitled Virtual Asset (Service Providers) (Amendment) Bill, 2020 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Virtual Asset (Service Providers) (Amendment) Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Virtual Asset (Service Providers) (Amendment) Bill, 2020, read a third time and passed.

Companies (Amendment) (No. 3) Bill, 2020

The Speaker: The Honourable Minister of Financial Services.

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

Mr. Speaker, I beg to move that a Bill shortly entitled Virtual Asset Service Providers (Amendment) Bill, 2020 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Companies (Amendment) (No. 3) Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Companies (Amendment) (No. 3) Bill, 2020, read a third time and passed.

**Property (Miscellaneous Provisions)
(Amendment) Bill, 2020**

The Speaker: The Honourable Minister of Financial Services.

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

Mr. Speaker, I beg to move that a Bill shortly entitled the Property (Miscellaneous Provisions) (Amendment) Bill, 2020 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Property (Miscellaneous Provisions) (Amendment) Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Property (Miscellaneous Provisions) (Amendment) Bill, 2020, read a third time and passed.

**Special Economic Zones
(Amendment) Bill, 2020**

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move that a Bill shortly entitled the Special Economic Zones (Amendment) Bill, 2020 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Special Economic Zones (Amendment) Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Special Economic Zones (Amendment) Bill, 2020, read a third time and passed.

Penal Code (Amendment) (No. 2) Bill, 2020

The Speaker: The Honourable Attorney General.

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

Mr. Speaker, I beg to move that the Penal Code (Amendment) (No. 2) Bill, 2020 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Penal Code (Amendment) (No. 2) Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Penal Code (Amendment) (No. 2) Bill, 2020, read a third time and passed.

Health Care Decisions (Amendment) Bill, 2020

The Speaker: The Honourable Attorney General.

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

Mr. Speaker, I beg to move that the Health Care Decisions (Amendment) Bill, 2020 be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Health Care Decisions (Amendment) Bill, 2020 be given a third reading and passed. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Health Care Decisions (Amendment) Bill, 2020, read a third time and passed.

MOTIONS

GOVERNMENT MOTIONS

Motion No. 1 of 2020-2021 Freedom of Information Law (2020 Revision) Freedom of Information (General) (Amendment) Regulations, 2020

The Speaker: The Honourable Attorney General.

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

Mr. Speaker, I beg to move Government Motion No. 1 of 2020, Freedom of Information Law (2020 Revision) Freedom of Information (General) (Amendment) Regulations, 2020. The Motion reads as follows:

WHEREAS section 57 of the Freedom of Information Law (2020 Revision), provides that “The Cabinet may, subject to an affirmative resolution of the Legislative Assembly, make regulations —

- a) generally, for giving effect to the provisions and purposes of this Law;**
- b) prescribing the period of time for the doing of any act under this Law; and**
- c) for anything that is required or permitted to be prescribed under this Law;”**

AND WHEREAS the Freedom of Information Law (2020 Revision) Freedom of Information (General) (Amendment) Regulations, 2020

has now been laid on the Table of this Honourable House;

BE IT NOW THEREFORE RESOLVED THAT the Freedom of Information Law (2020 Revision) Freedom of Information (General) (Amendment) Regulations, 2020 be affirmed by the Parliament pursuant to section 57 of the Freedom of Information Law (2020 Revision).

The Speaker: The question is **BE IT NOW RESOLVED THAT** the Freedom of Information Law (2020 Revision) Freedom of Information (General) (Amendment) Regulations 2020, be affirmed by the Parliament pursuant to section 57 of the Freedom of Information Law (2020 Revision).

The Speaker: The Honourable Attorney General.

[Pause]

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

Mr. Speaker, after Parliament enacted the Freedom of Information (FOI) Law (2007), the Freedom of Information (General) Regulations, 2008 were subsequently presented for affirmative resolution.

The FOI Law came into effect on the 5th January, 2009, and has fundamentally changed public sector operations. The objects of the FOI Law as set out in section 4 are **“to reinforce and give further effect to certain fundamental principles underlying the system of constitutional democracy, namely-**

- (a) governmental accountability;**
- (b) transparency; and**
- (c) public participation in national decision-making,**

by granting to the public a general right of access to records held by public authorities, subject to exemptions which balance that right against the public interest in exempting from disclosure governmental, commercial or personal information.”

Mr. Speaker, following amendments to the FOI law that were passed by this Parliament in November of 2018, and came into effect the following year, a working group was formed to consolidate and summarise proposals for subsequent amendments to the Freedom of Information (General) Regulations, 2008. The working group included representation from the Office of the Ombudsman, the Legislative Drafting Department and the Cabinet Office, which coordinates the administration of Freedom of Information across the entire public sector.

Mr. Speaker, the current General Regulations first enacted nearly 13 years ago, now, have been substantively impacted by amendments to the FOI law, particularly those which came into effect immediately following the coming into effect of the Data Protection Law, 2017, on the 30th September, 2019;

therefore, Mr. Speaker, those Regulations must now be amended in line with changes to the primary Act.

The Regulations that honourable Members are now being asked to affirm, Mr. Speaker, also provide for additional amendments that will improve operational efficiency of the FOI regime, and strengthen the rights of both applicants for information and third parties whose personal information may be requested under the FOI law.

Mr. Speaker, the various provisions in these Regulations can therefore be seen as falling into various categories when considering their purpose. These are:

1. Refining: that is, Mr. Speaker, to align provisions to other relevant legislation;
2. Clarifying: that is, Mr. Speaker, to ensure consistent and appropriate application across the entire public sector, which is made up of nearly one hundred distinct ministries, portfolios, offices, statutory authorities, and government-owned companies that all have the same obligations; must all fairly apply the FOI law; and are together referred to as public authorities for the purposes of the FOI law;
3. Modifying: that is, to address a small number of what we have come to realise are overly burdensome procedural requirements that provide no real benefit to public authorities, applicants, third parties—or indeed, the public, Mr. Speaker;
4. Then, of course, there are what we call necessary repeals, which is to remove regulations entirely if the authorising provision has been repealed in the FOI Law. In all of these instances where an authorising provision was repealed in the FOI law, the relevant matter is now properly dealt with under the Data Protection Law, 2017.

Mr. Speaker, while these Regulations include 16 amending provisions, very few will bring about substantive changes. The changes that are likely to have an appreciable impact on FOI practice in the public sector are as follows:

1. Written consultation in relation to the potential disclosure of third-party personal information will only be required if it is a living individual whose information has been requested.

The exemption in section 23 of the FOI law that allows Government to not provide access to personal information if it would amount to an unreasonable disclosure, continues to be available where it is necessary to protect information of either living or deceased individuals, Mr. Speaker. However, written

consultation on the disclosure of such information is no longer required if the individual is deceased.

2. The relevant public authority will no longer be required to notify the Ombudsman if it decides to grant access to third-party personal information under the FOI Law as the Ombudsman has indicated this notification is unnecessary. It is also important to note that the Office of the Ombudsman will be directly informed by a third party if that individual decides to appeal the public authority's decision on disclosure;
3. All internal reviews will be required to be logged in the tracking and monitoring system used by the Government, which has been the practice since the FOI law first came into effect but will now be legally mandated; and finally,
4. The scope of the definition of personal information under the FOI law will provide further examples of the types of information that are included. These terms will also be clarified in relation to public servants and contractors, making clear the general terms upon and subject to which the individual would occupy a public service position that do not constitute personal information. While there may still be some legitimate public interest in personal information relating to public servants being disclosed under the FOI Law, it is important for all parties to be clear that specific information such as educational history or work experience, is still personal information even if the individual is a public servant.

The exemption for personal information is not absolute, Mr. Speaker, and provides for withholding information on the records if their disclosure would amount to an unreasonable disclosure of personal information. Public servants must have the same rights as any other individual to be consulted in relation to disclosure of their personal information, and to be able to make representations that will be considered in coming to a decision on access.

Mr. Speaker, these amending regulations were informed by:

1. The review completed by the committee of this honourable Parliament;
2. Practical experience and knowledge contributed by the Cabinet Office, which centrally coordinates FOI across the public service; and
3. The views of the Office of the Ombudsman as the supervisory authority.

Affirmation of these Regulations will ensure the FOI regime continues to operate effectively across the public sector. It will ensure that the right of access to information is promoted and appropriately balanced against other rights and public interests, where relevant. The Regulations themselves were approved by the Cabinet on the 24th of November, 2020, and were previously laid on the Table of this House.

Mr. Speaker, I would like to thank both the honourable Members who participated in the initial review for their recommendations; and the public servants in the working group for their efforts in that initiative.

Mr. Speaker, I thank you, and I commend the Motion to honourable Members.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* I call on the Honourable Attorney General to wind up.

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

I wish to thank honourable Members for their support of the Motion as it relates to the Regulations under the FOI Law — thank you.

The Speaker: The question is **BE IT THEREFORE RESOLVED THAT** the Freedom of Information Law (2020 Revision) Freedom of Information (General) (Amendment) Regulations, 2020 be affirmed by the Parliament pursuant to section 57 of the Freedom of Information Law (2020 Revision). All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 1 of 2020-2021 passed.

**Motion No. 2 of 2020-2021
The Immigration (Transition) Law, 2018 –
The Immigration (Grant of Right to be Caymanian)
Order, 2020**

The Speaker: Honourable Premier

The Premier, Hon. Alden McLaughlin: Yes, Mr. Speaker— that is the shortest title I have, I believe.

[Laughter]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move Government Motion No. 2 of the 2019-2020 session, entitled the Immigration (Grant of the Right to be Caymanian) Order, 2020.

WHEREAS section 26(1)(e) of the Immigration (Transition) Law, 2018 provides that the Cabinet, acting upon the recommendation of the Cayman Status and Permanent Residency Board, may grant the Right to be Caymanian in accordance with the section;

AND WHEREAS section 26(1)(e) provides that such grant shall be ratified by the Parliament;

AND WHEREAS the Immigration Grant of the Right to be Caymanian Order, 2020 was laid on the Table of the Parliament;

BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018.

The Speaker: The question is, **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(c) *[sic, (e)]* of the Immigration Transition Law, 2018.

Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, this Motion is brought in relation to the Cabinet grant of the right to be Caymanian to Mr. Kirk [Anthony Reid] Williamson, in accordance with section 26(1)(e) of the Immigration Transition Law, 2018.

Mr. Speaker, in June 2017, an application was made to the Caymanian Status and Permanent Residency Board, and after a decision was taken to not recommend his application, Mr. Williamson appealed the decision through the Immigration Appeals Tribunal which determined in July 2019, that he was indeed eligible to appeal and made the subsequent recommendation for the Right to be Caymanian to the Cabinet.

The application was approved by Cabinet at its most recent meeting, and Cabinet has requested that the decision be sent to the Parliament for ratification. I should correct that, Mr. Speaker; it was not the most recent meeting, but the most recent before the start of this Meeting of Parliament.

Mr. Speaker, I will now set out why the Immigration Appeals Tribunal and Cabinet are convinced that Mr. Williamson deserves the highest status that we grant to non-nationals: the Right to be Caymanian.

Mr. Speaker, Mr. Williamson is a 27-year-old Jamaican national who has resided in the Cayman Islands since 2007. He lives in Grand Cayman and has immediate family that [also] resides locally. He arrived here at the age of 13 and was added as a dependant to his mother's Residency and Employment Rights Certificate as the spouse of a Caymanian. Mr. Williamson resides with his mother, stepfather, half-brother and half-sister.

While resident in the Cayman Islands, he completed compulsory education at Cayman Academy, John Grey High School and Clifton Hunter High School; he then acquired a student visa to pursue studies at University College (UCCI). While living in the Cayman Islands, he has been a model student and has represented the Cayman Islands in athletics as well as in the Cayman Islands Cadet Corps. He also plays an important role in the care of his younger siblings, and has developed a strong relationship with both of them. He has no close family left in Jamaica except for a grandmother with whom he has not maintained a relationship.

He intends to continue his studies overseas at the New England Institute of Technology, where he has been accepted to study Electrical Engineering. He hopes to return to Cayman, which he considers home, with these qualifications to work in areas having to do with improvement of infrastructure.

Mr. Speaker, in 2011, his mother and stepfather sought advice from the then Department of Immigration on Mr. Williamson's options prior to him turning 18. They were advised that all that was necessary was for his passport to be re-stamped. The terms of his mother's Residency and Employment Rights Certificate (RERC) specified that her dependant could reside in the Islands until attaining the age of 18 or, if they were pursuing full-time tertiary education, until they attained the age of 24 or completed their education, whichever was earlier. His mother, however, was unaware of the consequences of applying for Caymanian Status for herself without her dependant having Permanent Residency in his own right.

In May 2013, his mother applied for Caymanian Status. At that time the young man, Mr. Williamson, had been living in the Cayman Islands for less than six years, which is not long enough to meet the minimum time for being legally and ordinarily resident to apply for Permanent Residence. After his mother submitted her application for Status, a period of time passed without her receiving notification from the Board.

Mr. Williamson's mother visited the Immigration Department in April 2014, to have his passport stamp updated and was informed of the following: She had, in fact, been granted Status in June 2013; she was in arrears of \$1,000 as she was no longer a Residency and Employment Rights Certificate holder; the young man (her son) was no longer a dependant of such a holder—that is, he was no longer a dependant of a RERC holder.

Mr. Speaker, Mr. Williamson made the following applications: In April 2014, he applied for time from the Immigration Department; however, his application was rejected by the Board on the basis that he did not meet eligibility criteria as he ceased to be a dependant on his mother's Permanent Residence (PR) as of 30th May, 2013, when she was granted Status. He then applied for and was granted a student

visa that allowed him to stay on the Islands, finalising his studies at UCCI.

Through Cayman Immigration Consultancy Services, he then submitted a fresh application for Permanent Residency in February of 2016, pursuant to section 32 of the Immigration Law, which was again refused in January 2017, on the basis that he did not meet the relevant legal and ordinarily resident criteria under the relevant section of the Law.

In April, 2017, he applied to remain in the Cayman Islands until his 24th birthday as the dependant of his mother and stepfather; however, that application was rejected on the basis that he did not satisfy the narrow definition set out in section 67(12) of the Law.

In June of 2017 he applied to the Board for their recommendation to Cabinet that he be granted the Right to be Caymanian.

In December 2017, he received a letter indicating that the Board was not minded to make such a recommendation, on the basis that "*his circumstances were not unique to others in a similar situation.*" It was observed that Mr. Williamson, "*has other options to continue to reside and work in the Islands and a recommendation to Cabinet is not appropriate in this case.*"

Mr. Williamson appealed this decision to the Immigration Appeals Tribunal which determined, in July 2019, that he qualified to appeal and they granted the appeal and forwarded the recommendation for the Right to be Caymanian to the Cabinet. Additionally, it was determined that Mr. Williamson had a right to family life under article 9 of the Bill of Rights, as his Caymanian half-siblings would not benefit from his absence from the Islands.

Mr. Speaker, Mr. Williamson has been in a situation where he has attempted to regularise his Immigration status by applying for Permanent Residency on two occasions; but because of the unique situation he finds himself in, he cannot meet the minimum residency eligibility requirement, and he cannot remain in the Cayman Islands to do so because he does not satisfy the definition of a dependant outlined in section 67 of the Law.

Mr. Speaker, it should be noted that the definition of dependant in the Immigration Transition Law is not as prescriptive as in the (2015 Revision) and would not limit Mr. Williamson in the same manner. However, the requirement to be a legal and ordinary resident for seven years immediately prior to the application for PR remains in place, and due to him technically being illegally resident here between May 2013 and April 2014 when his mother's Status was approved, he remains ineligible for PR.

Mr. Speaker, Mr. Williams has no dependants that would be entitled to reside in the Cayman Islands or become Caymanian; he has met all other requirements in terms of criminal record, financial history and medical well-being. In addition, he has provided a se-

ries of note-worthy Caymanian references in support of his application, namely from Coach Tyrone Yen, Wendy Fisher, Darren Ebanks and Kimberly Bolt.

Mr. Speaker, while Mr. Williamson has options to remain under the work permit regime, his application for PR and onward to Caymanian Status remains unavailable to him at this time. Cabinet is therefore of the opinion that he has sufficiently demonstrated that the Cayman Islands is his home, having remained here for the last 13 years and having close family connections with whom he resides. Cabinet is satisfied that Mr. Williamson is committed to the Islands and his current education and future professional goals, and therefore his application warrants special consideration provided for under this facility.

Mr. Speaker, it is for the foregoing reasons that the Immigration Appeals Tribunal recommended to Cabinet Mr. Williamson's application for the Right to be Caymanian by way of Cabinet Grant. Furthermore, Mr. Speaker, the Cabinet supported the recommendation of the Tribunal, as the Cabinet recognises Mr. Williamson's peculiar situation and future value to the Cayman Islands and our community.

There is no doubt that Mr. Kirk Williamson is deserving of consideration for being granted the Right to be Caymanian in accordance with the provisions of the Immigration (Transition) Law 2018, and I commend this Motion to the House.

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

If no other Member wish to speak, I call on the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker. Simply to thank all honourable Members of the House for their tacit support of the Motion.

The Speaker: The question is, **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 2 of 2020-2021 passed.

**Motion No. 3 of 2019-2020
The Immigration (Transition) Law 2018 –
Immigration (Grant of Right to be Caymanian)
(No. 2) Order, 2020**

The Speaker: Honourable Premier.

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

I beg to move Government Motion No. 3 of the 2019-2020 Session, entitled the Immigration (Grant of the Right to be Caymanian) (No. 2) Order, 2020.

WHEREAS section 26(1)(e) of the Immigration (Transition) Law, 2018 provides that the Cabinet, acting upon the recommendation of the Cayman Status and Permanent Residency Board, may grant the right to be Caymanian in accordance with the section;

AND WHEREAS section 26(1)(e) provides that such grant shall be ratified by the Parliament;

AND WHEREAS the Immigration Grant of the Right to be Caymanian Order, 2020 was laid on the Table of the Parliament;

BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) (No. 2) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018.

The Speaker: The question is, **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) (No 2) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018. Honourable Premier.

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

Mr. Speaker, this Motion is being brought in relation to the Cabinet grant of the Right to be Caymanian to Miss. Khalesiah [Carlene] Barboram in compliance with 26(1)(e) of the Immigration (Transition) Law, 2018.

Mr. Speaker, in October 2018, an application was made to the Caymanian Status and Permanent Residency Board who then advised Ms. Barboram that her application was being recommended to the Cabinet for the Right to be Caymanian. This application was approved by Cabinet at a recent meeting and Cabinet has requested that the decision be forwarded to the Parliament for ratification.

Mr. Speaker, Khalesiah Barborum is a 39-year old Jamaican national who has resided in the Cayman Islands since 1990. She lives in Grand Cayman with her Caymanian daughter, and has other immediate Caymanian family who also reside locally. She arrived in these Islands in July 1990 at the age of nine, accompanied by her mother and her brother. Ms. Barborum completed her compulsory education in the public-school system and represented the Cayman Islands in track and field events overseas while she was a student in John Grey.

She has been employed by the Cayman Islands Government since 1999, and is currently employed by the Criminal Investigation Department of

the Royal Cayman Islands Police Service. Throughout her professional career, she has regularly sought out continued education completing certificates in Business Administration and Executive Global Leadership at the University College and, more recently, the LLB Honours Degree at Truman Bodden Law School in 2014. She has also completed various professional certifications related to her field.

Mr. Speaker, she is passionate about her role in protecting the citizens of these Islands and excels in her role within the Royal Cayman Islands Police Service, as evidenced by her 2013 Outstanding Service Award as Police Officer of the Year. In 2014, she was awarded the Cayman Islands' Heroes Day Citation for Bravery for exceptional courage in keeping the Cayman Islands' community safe.

She has also made numerous personal contributions to the community through her active membership in the Rotary Club of Grand Cayman Central and sponsored club *Rotaract* Blue, whereby she volunteered her time for many community service projects and was Director of Community Service from 2017 to 2018; and Director of Youth Services from 2018 to 2019. A reference from the Secretary to the Board of Directors from 2018 to 2019 also states that Ms. Barborum was also fundamental to several of Rotary Central's recurring projects such as the Music Extravaganza, the Science Fair, Take a Kid Fishing and Literary projects, among others.

Mr. Speaker, Ms. Barborum's family ties remain current, as both her mother and brother reside permanently in the Islands and possess the Right to be Caymanian. She also has a daughter who was born in the Islands in 2001, to a Caymanian father. She is settled in these Islands and considers the country to be her home—indeed she has been here for 30 of her 39 years. She and her brother are the registered owners of an apartment in the La Serenidad development in the Savannah area, purchased in 2012 for \$160,000. She is also the registered proprietor of a second property in the Spotts area.

Mr. Speaker, Ms. Barborum has no other dependants that would be entitled to reside on the Islands or become Caymanian; she has met all other requirements in terms of criminal record, financial history and medical well-being. She has provided a series of note-worthy Caymanian references in support of her application, namely from Dr. Sidney Ebanks, Ms. Yvette Cacho, Mr. Collin Redden, Mr. Bernie Bush and Rev. John K. Evans, Jr.

Mr. Speaker, at the time of Ms. Barborum's application, the Immigration Law (2015 Revision) was in place, which required applicants for Permanent Residency to submit their application after residing in the Islands for a minimum of eight years, however, no later than nine. Given that Ms. Barborum's application was submitted after approximately 18 years in the Cayman Islands, her application was initially found to be ineligible. Section 37 of the Immigration (Transi-

tion) Law, 2018 now provides for an applicant to apply for Permanent Residency after they are a legal and ordinary resident in the Cayman Islands for eight years. While Ms. Barborum's application is no longer ineligible under the previous law, Cabinet was of the opinion that her demonstrated commitment to the Islands both personally and professionally over the past three decades, warranted the special consideration provided for under this facility.

Mr. Speaker, it is for the foregoing reasons that the Caymanian Status and Permanent Residency Board recommended to Cabinet Ms. Barborum's application for the Right to be Caymanian by way of a Cabinet Grant; furthermore, Cabinet supported the recommendation of the Board, as we recognised Ms. Barborum's value to the Cayman Islands and our community.

There is no doubt, Mr. Speaker, that Ms. Khashia Barborum is deserving of consideration for being granted the Right to be Caymanian in accordance with the provisions of the Immigration (Transition) Law, 2018.

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

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

Mr. Speaker, I wanted to speak on the prior one but now I am glad that I did not, because I do not know one of the other individuals on this and I believe it is a young person, too—Lewis, is one of those, I guess.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, we could be in this House forever and we would never cover all the people in this country under similar circumstances; thus, the reason they have been calling them "ghost Caymanians". I have been preaching this forever.

Mr. Speaker, the Government of 2005 to 2009 changed the Immigration Law and put provisions in place, designed for Cabinet to issue only four per year on special circumstances — at the time, they were considered *extraordinary* circumstances. It is [on] occasions like these that we should not even think of it as being special circumstances. We need to do something to regularise these people. They have no place to go; no one to go to, and they wait for years for Cabinet to be able to bring it here. No fault of Cabinet's.

Many times, Mr. Speaker, it is them not being of any understanding of the law; but other times it is the system that prevents them from becoming permanent structures, entities, in this country. I have a gentleman in East End who is married to a Honduras national who had a child prior to the marriage. They have since had a child, another daughter. The child is

an A-student and he attempted to adopt her shortly after the marriage.

He applied for adoption, asked myself and other upstanding citizens in the society to give him reference letters on his family life and the child, and we all did. Mr. Speaker, our letters were all rejected, and we did not know. Why were they rejected? Because we all gave them to him and he delivered them with his application. It took one year, or more, for us to find out that we had to seal them and deliver them in person. Because it took so long to get the permission from Honduras and the translation of those documents, that child is now in the same category as these children that we are doing here today; and she is not the only one.

There are many like that. If we do not do something, only the few are going to be regularised through this process. They have no place to go, and they all have a right to family life as defined by the Bill of Rights. That gentleman from East End has a right to form a family.

I do not believe Cabinet should have to be bothering themselves with this. It is absolutely unnecessary; and then, we create the stigma that hangs with these children forever. They have other siblings that are born Caymanians. We create a stigma on them that they will never, never, erase. They will never erase it, and they are running to and fro trying to regularise themselves until all options are exhausted, then they have to run to Cabinet. People call them ghosts and what-not.

This gentleman in East End, his wife applied for Cayman Status and the child is a dependant on her RERC (going to be in the same situation that the previous one was in); Cabinet should not have to bother themselves with this. The processes are so long to get to that point.

[Inaudible interjection]

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

Mr. Speaker, I do not think that the number of those who are here in that situation is overly burdensome. There are other situations where Caymanians who have ties here, their children who came here with them, or people from overseas who have Caymanian ties and came here—in particular those from the Bay Islands, where we have a close connection. Their children are in the same situation; they are 30, 40 years old and we cannot get them regularised.

Somehow, we need to ensure that we do something other than burdening Cabinet with these situations. I do not know how we are going to do it, but I am sure the Attorney General can find some way to do some presentation to this Parliament.

Mr. Speaker, I know that we recently made provisions to put back that Sunset clause in the Immigration Law which gave them the right to apply, but I do not think that is the only answer. If it was, Cabinet

would not be recommending four each year. I doubt we will capture every situation, but at the very least, it would cut down some of those that Cabinet has to consider. I implore the Government, again, to look at some different way that we can regularise some of these people in these situations. We just did two with the same situation. Something needs to be done.

I thank you, Mr. Speaker.

The Speaker: The Member for Bodden Town West.

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

I must say that the officer has been very active in the community and she has also been placed here several times since we have been—at least since I was elected. I know that she does much work with Rotary.

To expand on what the Honourable Leader of the Opposition said, I think it is clear that we definitely need to make more changes to our Immigration Law, because that is a clear example of what the Premier outlined in terms of someone deserving of Caymanian Status. To be here 30 out of 39 years, and with such a community record basically means that there is definitely some kind of loophole or something still missing within the Immigration Law.

I know that it is something we definitely will not get right, but at a minimum, I think it is definitely something we need to look at. I really want to thank the Government for at least fixing that one, and I applaud the Cabinet for making the decision in terms of such a worthy person for Caymanian Status.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* If not, I call on the Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I thank the Leader of the Opposition and the Member for Bodden Town West who have spoken.

Mr. Speaker, I am not going to get into that long and storied debate this evening because it is so late, but the Members have a point. We will never, I think, have a perfect piece of Immigration legislation—no country in the world ever does. You are constantly tweaking it, trying to address issues; but I am thankful that we do have this provision in the law that allows for those cases for which there appears to be no proper resolution in the law to be dealt with.

Mr. Speaker, I can indicate that we still have a few which we hope to deal with early in the next year, because we are limited to four per year; but the cue is not very long now. We worked through them because every year since we have been in office we have brought forward the maximum that we can.

The Speaker: The question is **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) (No. 2) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 3 of 2020/2021 passed.

**Motion No. 4 of 2020-2021
The Immigration (Transition) Law 2018
Immigration (Grant of Right to be Caymanian)
(No. 3) Order, 2020**

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move Government Motion No. 4 of the 2020/2021 Session, entitled the Immigration (Grant of Right to be Caymanian) (No. 3) Order, 2020.

WHEREAS section 26(1)(e) of the Immigration (Transition) Law, 2018 provides that the Cabinet, acting upon the recommendation of the Cayman Status and Permanent Residency Board, may grant the Right to be Caymanian in accordance with the section;

AND WHEREAS section 26(1)(e) provides that such grant shall be ratified by the Parliament;

AND WHEREAS the Immigration Grant of the Right to be Caymanian (No. 3) Order, 2020 was laid on the Table of the Parliament;

BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) (No 3) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018.

The Speaker: The question is, **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) (No. 3) Order— is it?

The Premier, Hon. Alden McLaughlin: (No. 3).

[Inaudible interjection]

The Speaker: (No. 4).

The Premier, Hon. Alden McLaughlin: No; (No. 3).

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: It is (No. 3).

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, it is the Immigration (Grant of the Right to be Caymanian) (No. 3) Order, 2019 [sic].

The Speaker: **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) (No 3) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1) ...

I have been saying (1)(c). Is it (1)(c) or (1)(e)?

[Inaudible interjection]

The Speaker: Okay. Let us have another go at this, then.

BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) (No 3) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration (Transition) Law, 2018.

Honourable Premier.

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

Mr. Speaker, this Motion is brought in relation to the Cabinet's Grant of the Right to be Caymanian to Mr. Glenville [Alanzo] Lewis, in compliance with 26(1)(e) of the Immigration (Transition) Law, 2018.

Mr. Speaker, in July, 2018, an application was made to the Caymanian Status and Permanent Residency Board for the Right to be Caymanian for Mr. Lewis; however, in March 2019, the Caymanian Status and Permanent Residency Board deferred the application and made the recommendation to Cabinet for the Grant of the Right to be Caymanian. In November 2020, Cabinet approved the recommendation for Mr. Lewis to be granted the Right to be Caymanian and requested that the decision be sent to the Parliament for ratification.

Mr. Glenville Lewis is a 53-year-old Jamaican national who has resided in the Cayman Islands since 1995— 25 years. The applicant lives in Grand Cayman with his wife, Delores Lewis. While the applicant has been in the Cayman Islands, he has maintained employment as a landscaper in the employ of Messrs. Charles Lewis McField and Alden McLaughlin, for the last 13 years. Although he has resided and worked in the Cayman Islands community for far longer than the time required to apply for Permanent Residence, he was originally denied Permanent Residence because he could not afford any property or investments.

Mr. Speaker, the Board has identified Mr. Lewis as a person of unique circumstances, deserving of consideration as being granted the Right to be Caymanian in accordance with section 26(1)(e) of the Immigration (Transition) Law, 2018 for the following reasons:

- His application for Permanent Residence was denied and so was the appeal;
- He has been on the Island for more than 20 years and although he seemingly has no investment in property, he has a clear Police Record and his references speak very highly of him

Mr. Speaker, while there is no evidence of ownership of property or investments, Mr. Lewis is soundly employed and unlikely to be a burden on the Cayman Islands' society.

Mr. Speaker, pursuing Caymanian Status via the Work Permit and Permanent Residency regime has been explored by Mr. Lewis and he has not been successful, thus it appears that qualifying via the Cabinet Grant is his only option.

Mr. Speaker, it is for the foregoing reasons that the Caymanian Status and Permanent Residency Board recommended to Cabinet Mr. Lewis' application for the Right to be Caymanian by way of Cabinet Grant. There is no doubt that Mr. Lewis is deserving of consideration for being granted the Right to be Caymanian in accordance with the provisions of the Immigration (Transition) Law, 2018.

Mr. Speaker, if I might just add that the [current] regime was put in place to avoid situations arising such as these, where persons are left in a state of uncertainty for extended periods of time. I have always been of the view that when a person is allowed to remain in your country for such extended periods of time, regardless of what their circumstances are, you simply cannot kick them out, and that you have to find the means of ensuring that they have security of tenure, and the opportunity to look after themselves and their family.

I am not certain, Mr. Speaker, how this individual's immigration status seemingly fell through the cracks, and he was not granted Permanent Residency but was permitted to stay here for such an extended period of time, now 25 years.

While I know [that] there will be concerns, if not in this Parliament, certainly in the wider community, because of the lack of investments and so forth, the reality is that Mr. Lewis and his wife and family are clearly part of the fabric of this society now, and are making their way through life and certainly deserve, after that length of time the opportunity to do so, as Caymanians.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* I call on the Premier to wind up the Motion.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: I am getting a bit fatigued. I could not remember if we voted or not.

Mr. Speaker, just to thank Members for their tacit support of the Motion.

The Speaker: The question is **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) (No 3) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration (Transition) Law, 2018. All those in favour please say Aye, those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 4 of 2020/2021 passed.

Motion No. 5 of 2019-2020
The Immigration Transition Law, 2018
The Immigration (Grant of the Right to be Caymanian) (No. 4) Order, 2020

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move Government Motion No. 5 of the 2019/2020 Session, entitled the Immigration (Grant of Right to be Caymanian) (No. 4) Order, 2020.

WHEREAS section 26(1)(e) of the Immigration (Transition) Law, 2018 provides that the Cabinet, acting upon the recommendation of the Cayman Status and Permanent Residency Board, may grant the Right to be Caymanian in accordance with the section;

AND WHEREAS section 26(1)(e) provides that such grant shall be ratified by the Parliament;

AND WHEREAS the Immigration Grant of the Right to be Caymanian (No. 4) Order, 2020 was laid on the Table of the Parliament;

BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) (No. 4) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018.

The Speaker: The question is, **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) (No 4) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018.

Honourable Premier.

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

Mr. Speaker, this Motion is being brought in relation to the Cabinet's Grant of the Right to be Caymanian to Mr. Andre Mon Desir, in compliance

with section 26(1)(e) of the Immigration (Transition) Law, 2018.

Mr. Speaker, in August 2018, an application was made to the Cabinet with the support of the Caymanian Status and Permanent Residency Board for the Right to be Caymanian for Mr. Andre Mon Desir. The application was initially deferred; however, at its most recent meeting, when these matters were discussed, Cabinet approved the recommendation for Mr. Mon Desir to be granted the Right to be Caymanian, and requested that the decision be sent to the Parliament for ratification.

Mr. Speaker, Mr. Andre Mon Desir is a 52-year-old native of Trinidad and Tobago who initially came to the Cayman Islands in 2002 as a Senior Crown Counsel for the Cayman Islands Government's Legal Department. During his time at the Legal Department, Mr. Mon Desir prosecuted and represented the Crown in many serious and complex cases involving organised crime. He was able to prosecute the majority of those cases successfully, which resulted in a reduction in serious crimes during his tenure with that department.

Mr. Mon Desir was also responsible for the administration of all matters brought before the Summary, Youth and Juvenile Courts in the Cayman Islands, and played a major role in the development of policies for the division.

In October 2007, Mon Desir joined the legal division of the Cayman Islands Monetary Authority (CIMA) as legal counsel, where he provided legal and policy advice; was responsible for litigation of CIMA, and was actively involved in anti-money laundering and combating the financing of terrorism (AML/CFT) issues as well as the preparation of the Authority's International Organisation of Securities Commissions (IOSCO) application. He left CIMA later in 2008 to become one of the youngest judges on the Supreme Court of Trinidad and Tobago, where he remained for the following five years.

Mr. Speaker, Mr. Mon Desir returned to the Cayman Islands in March 2013, when he was appointed as Deputy General Counsel of CIMA, where he coordinates and manages the day-to-day operations and projects of the legal division. Mr. Mon Desir provides directives and guidance to the legal staff on litigation and all aspects of research, preparing opinions and dispensing advice on a wide range of regulatory and financial-services matters.

His role includes, among other things, providing advice and guidance to the compliance division on the full range of enforcement matters, as well as providing legal advice, guidance and leadership to the various supervisory divisions on matters relating to local and international financial services regulation. His areas of responsibility include:

- Providing legal advice on bank controller-ship and liquidations;

- Money services business licensing and regulation of insurance business;
- Fiduciary services as well as investment and securities matters.

Mr. Speaker, in his capacity as lead counsel, Mr. Mon Desir is also responsible for conducting all serious and high-profile litigation on behalf of CIMA, and has delivered speeches both locally and internationally on a range of topics including:

- Mitigating the On-Going Risk of Correspondent Banking;
- The Directors Registration and Licensing Law 2014; and
- Regulatory Enforcement in the Cayman Islands.

Over the years, Mr. Speaker, Mr. Mon Desir has been actively involved in teaching various areas of law on a part-time basis at the University of the West Indies and other private tertiary institutions. During that time, he also served as the Senior Legal Advisor and Staff Judge Advocate for the Trinidad and Tobago Defence Force. It was due to this previous experience that Mr. Mon Desir initially volunteered for the Royal Cayman Islands Police Services as a Special Constable during his first stint in the Cayman Islands, and was able to offer critical expertise in preparation for and during Hurricane Ivan in 2004. Due to his professional capacity and unique knowledge of military law, he provided the legal guidance under which national decisions were made as they pertained to curfew and the scope of police power under the State of Emergency.

Mr. Speaker, Mr. Mon Desir volunteered alongside other officers, bravely rescuing families who were in imminent danger despite the great risk to his personal safety; additionally, Mr. Mon Desir continues to be involved in the local community. He was appointed as a member of the Cadet Corps Advisory Committee in 2005, continued to serve the committee in the capacity of Chairman, and offers guidance and support to young cadets, where necessary, to enhance the organisation.

Mr. Speaker, Mr. Mon Desir was also appointed to serve as Legal Advisor for the Cayman Islands Regiment in 2019, having a history with the Trinidad and Tobago Defence Force, as previously mentioned. In this capacity, key duties include providing expert advice and strategic support to leadership and key stakeholders on relevant matters of law, policy, and procedure. In collaboration with the Legislative Drafting Department, Mr. Mon Desir was the Cayman Islands Regiment's lead for the drafting of the Defence Bill, 2020, which was recently passed in this House, which provides legal footing for the establishment and operation of the Cayman Islands Regiment.

Mr. Mon Desir is also the Regiment's lead for the drafting associated with the Governor's Orders, which provides the regulatory policy and procedural

frameworks necessary to support efficient and effective operations including administration, discipline, training and deployment. In spite of his contributions and active role in investing and developing in the Cayman Islands for over 16 years, Mr. Mon Desir has never acquired Status and has remained here on other immigration facilities.

The Caymanian Status and Permanent Residency Board recognised the significant expertise and contributions he has made to the Cayman Islands through his legal profession, as well as the demonstration of his spirit of volunteerism whilst performing his duties as a Special Constable for the benefit of the people of the Cayman Islands during the passage of Hurricane Ivan. As such, on the 26th of July, 2008, the Caymanian Status and Permanent Residency Board recommended Mr. Mon Desir as a suitable candidate to be considered for the Grant of the Right to be Caymanian under section 21(e) of the Immigration Law (2015 Revision), now 26(1)(e) of the Immigration (Transition) Law 2018.

Mr. Speaker, Mr. Mon Desir has provided a series of note-worthy Cayman references in support of his application, namely from Mr. Langston Sibbles, Mr. Peter Polack, Mr. Jeff Jackson and Mr. Anthony Ennis.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, section 37 of the Immigration (Transition) Law, 2018 provides for an applicant to apply for Permanent Residency after they are legally and ordinarily resident in the Islands for eight years. Mr. Mon Desir's departure in Cayman in 2008 and return in 2013 means that the starting time for his minimal term can only be counted from March 2013. While the Work Permit and Permanent Residency regimen may be available to Mr. Mon Desir in the future, Cabinet felt that his demonstration of commitment to the Islands over 13 of the last 18 years warranted the special consideration provided for under this facility.

Mr. Speaker, it is for the foregoing reasons that the Caymanian Status and Permanent Residency Board recommended to Cabinet Mr. Mon Desir's application for the Right to be Caymanian by way of a Cabinet Grant. Furthermore, my Cabinet colleagues supported the recommendation of the Board, as we recognised Mr. Mon Desir's value to the Cayman Islands and our community.

Mr. Speaker, there is no doubt that Mr. Mon Desir is deserving of consideration for being granted the Right to be Caymanian in accordance with the foregoing provisions of the Immigration (Transition) Law, 2018.

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

[Inaudible interjection]

The Speaker: The Honourable Attorney General.

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

Mr. Speaker, I rise to lend my support to the Motion on behalf of Mr. Andre Mon Desir, a colleague. As you heard from the Honourable Premier, he had a stint, if I might put it that way, or tenure with us at the Government Legal Department (Chambers); he was an invaluable colleague, and I would describe him as the quintessential professional. Very able lawyer, extremely courteous — unfailing courtesy towards colleagues as well as others; and he is a very passionate person about what he does.

Mr. Speaker, I cannot think of a more deserving person for consideration for the Right to be Caymanian. I can speak personally to his efforts during Hurricane Ivan, when we were in all sorts of turmoil in terms of security and he volunteered. I personally saw him patrolling with police officers and trying to maintain law and order even at the expense of his own family at times. I can attest to that. Of course, this is all probably consistent with his training and his service in the military in Trinidad and he, of course, no surprise, volunteered to assist here with the Cadet Corp and in more recent times, the Regiment. He is very passionate about these things.

Mr. Speaker he has a wonderful family — Dr. Michelle Mon Desir, a family practitioner, and two daughters; and they really consider Cayman their home. They have made and continue to make contributions to these Islands, and I think it will be an excellent gesture for him to be afforded the opportunity of being considered and recognised as a Caymanian.

Mr. Speaker, I mentioned his ongoing effort as we speak, as General Counsel of CIMA, where he is also helping to spearhead the ongoing effort to ensure that our anti-money laundering safety framework complies with international standards. He continues to lead from the front in that regard as well. His dedication, commitment, and service to these Islands are certainly without question.

Mr. Speaker, I had not spoken earlier about Khalesiah, who is also a very deserving candidate per the mention earlier on — a police officer, and also a most deserving candidate in my view; therefore, Mr. Speaker, I certainly would wish to lend my support to the Motions in respect of them.

Thank you.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* If not, I call on the Honourable Premier to wind up.

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

To thank the Honourable Attorney General for his contribution. I believe all Members of this House are acquainted with both Ms. Barborum and Mr. Mon Desir, some more so than others, and are well aware of their significant contributions to the country. They are already part of the fabric of this country and I believe all Members will join with me in welcoming them as part of the Caymanian family in the truest sense of that expression.

The Speaker: As Presiding Officer I wondered whether I should say anything, and I know I am not supposed to but I want to and should, because Mr. Mon Desir and his family are citizens and residents of West Bay, and they are good people for our community. I laud and thank the Government for finally getting the Motion here.

If we are going to grow people, we need people who can help us — people with good morals, good character. His wife is a doctor in our community and has her office in our community. I think the only doctor in the district with a clinic, except for the government clinic, so they have invested strongly in West Bay. I am proud of them, glad to know them for I repeat: an excellent family.

[Inaudible interjection]

The Speaker: The question is, **BE IT THEREFORE RESOLVED THAT** the Immigration (Grant of the Right to be Caymanian) (No 4) Order, 2020 be affirmed by the Parliament pursuant to the provisions of section 26(1)(e) of the Immigration Transition Law, 2018. All those in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 5 of 2020/2021 passed.

Motion No. 6 of 2020-2021
Issuance of a Deed of Indemnity – Cayman Islands
Legal Practitioners Association (“CILPA”) and
Cayman Attorneys Regulatory Authority (“CARA”)

The Speaker: Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you Mr. Speaker. It is getting late and the voice is coming under a bit of pressure.

Mr. Speaker, I beg to move Government Motion No. 6 of 2020, Issuance of a Deed of Indemnity – Cayman Islands Legal Practitioners Association (“CILPA”), and Cayman Attorneys Regulatory Authority (“CARA”). The Motion reads:

WHEREAS, the Government of the Cayman Islands is desirous of issuing a Deed of Indemnity to the Members of the Board of Directors of CILPA and CARA— as the attached Deed of Indemnity stipulates;

AND WHEREAS, section 8 of the Public Management and Finance Law (PMFL) provides that, as a general rule, no guarantee may be given by or on behalf of the Government unless it has been authorised of the Legislative Assembly;

BE IT NOW THEREFORE RESOLVED that the Legislative Assembly hereby authorises the issuance to Members of CILPA’s Board and CARA of a Deed of Indemnity guarding against the potential liability of members of CILPA’s Board, and CARA.

Thank you.

The Speaker: Honourable Attorney General, we said Legislative Assembly, but it is taken to be the Parliament, so do we leave it?

[Inaudible interjection]

The Speaker: The question is **BE IT NOW THEREFORE RESOLVED** that the Legislative Assembly hereby authorises the issuance to members of CILPA’s Board and CARA of a Deed of Indemnity guarding against the potential liability of members of CILPA’s and CARA’s Board.

The Honourable Attorney General.

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

Mr. Speaker, the Motion came before the changes to the title of Parliament and is being brought pursuant to section 8 of the Public Management and Finance Law.

Mr. Speaker, because of the deficiencies identified by the Cayman Islands Mutual Evaluation Report during the review by the Caribbean Financial Action Task Force (CFATF) in 2017, it became necessary to put in place, sir, an anti-money laundering and combating financing of terrorism framework for the Cayman Islands’ attorneys-at-law. The CFATF report identifies the absence of a supervisory body to regulate attorneys for AML-CFT as a weakness in the Cayman Islands’ overall AML-CFT framework; and therefore, a deficiency in recommendation one—among others— and also a deficiency in a number of immediate outcomes.

Accordingly, Mr. Speaker, in a bid to address this very significant weakness, the Legal Practitioners Law was amended to allow for, amongst other things, the creation of a Self-Regulatory Body (SRB) to supervise attorneys for compliance with AML-CFT matters. The designation as an SRB was made pursuant to section 49 of the Proceeds of Crime Law which provides that: **“The Cabinet may assign to the Fi-**

financial Reporting Authority the responsibility of monitoring compliance with money laundering regulations made under this Law in relation to persons conducting “relevant financial business”, as defined in those regulations, who are not otherwise subject to such monitoring by the Cayman Islands Monetary Authority.”

Mr. Speaker, pursuant to this provision, the Cabinet, on the 19th of February 2019, formally designated CILPA as the self-regulatory body responsible for monitoring attorneys for AML-CFT matters. CILPA is an incorporated body of Cayman Islands attorneys-at-law. The Government has been advised that it represented between 85 to 90 per cent of the attorneys in the Cayman Islands, which amounts to anywhere between 750 and 800 lawyers. The Cabinet’s designation of CILPA as a self-regulatory body for attorneys is similar to what has been done with the Cayman Islands Institute of [Professional] Accountants, CIIPA, which has also been designated as an SRB for accountants.

Mr. Speaker, in order to create a separation between CILPA and the actual regulators, (that is, the attorneys who do the actual regulatory AML-CFT oversight), CILPA amended its Memorandum and Articles of Association to allow for the delegation of such duties to a sub-agency of CILPA. This body, Mr. Speaker, is known as CARA, which consists of two dedicated attorneys and support personnel who are responsible for this initiative.

CARA largely operates as a self-autonomous body in performing its AML-CFT supervisory functions. This made good sense, Mr. Speaker, as CARA is responsible for the oversight of all the attorneys who are members of CILPA and whose practice of law involves what is known as relevant financial businesses, which is the trigger-point for AML-CFT supervision. That is, Mr. Speaker, only attorneys who are involved in relevant financial businesses are supervised by CARA for AML-CFT, as required by the relevant Financial Action Task Force (FATF) recommendations.

This creation and designation of CILPA/CARA and CIIPA relieves the Government of the necessity of having to create a public body or bodies, staffed by specialist public officers to carry out this AML-CFT supervision. Had a public body been created and staffed with government employees, they would have benefited from the usual immunity and indeed requisite indemnity enjoyed by public officials.

Mr. Speaker, CARA, and by extension CILPA, are in effect performing the AML-CFT monitoring public functions on behalf of the state. They do not enjoy indemnity from legal exposure for performing these roles. It is against this background that Parliament is being asked to agree that they be given indemnity by the Government in the performance of their role of supervisor of attorneys for AML-CFT purposes.

Mr. Speaker, the scope of the indemnity is confined to the Board of Directors, past and present, to whom CARA is directly answerable, not the entire membership of CILPA is being covered. It would be confined to the Board of CARA, as outlined in the attached draft Deed of Indemnity.

The terms of the indemnity are generally in identical terms to those granted to the Board of Cayman Airways and other similar government entities including the Liquor Licensing Board; and presupposes that in carrying out the duties of supervisor for AML matters, they act in good faith.

Mr. Speaker, the Deed of Indemnity was authorised by Cabinet on the 24th of November, 2020 but, as stated earlier, section 8 of the PMFL stipulates that no guarantee can be given by or on behalf of the Government unless it has been approved by Resolution of this Parliament. Mr. Speaker, I commend this Motion to honourable Members of this House, for their support.

Thank you.

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

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

Mr. Speaker, I guess I have to question why this is coming at this time. The other question that begs, is which other government authority we are going to give indemnity to. Will the accountants, who are a regulatory authority, be given indemnity as well?

Mr. Speaker, I ask why at this time because, one, I know, in particular, there are a number of lawsuits filed by attorneys in this country against CARA, and I believe CILPA as well. Why wasn’t this done at the time that they were being the supervisory authority under the Proceeds of Crime Law’s [Section] 4(9), I think it is?

Mr. Speaker, it is suspicious, and I want to know what has caused Government to all of a sudden come up with an indemnity for a company/authority—if it is such a creature—as it is named, because it is not regulated by the Public Authorities Law, as far as I know, yet it can carry the name “Authority”; and we are now giving them indemnity from all claims arising out of lawsuits, civil or otherwise.

Mr. Speaker, I understand the reason we have given Cayman Airways’ Board of Directors a Deed of Indemnity. I understand the Liquor Licensing Board—and I could even understand the Turtle Centre’s Board, because of the financial losses that we are experiencing there, but I do not understand why we pick out these at this time; on the advent of a new Legal Services Law, which means we do not need them anymore, because this new creature’s counsel will now be responsible—unless, of course, we are going to appoint them once more.

Mr. Speaker, I cannot understand why the Government would be giving a Deed of Indemnity unless they are suspicious of something having happened.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Maybe, but at the very least we expect something. In the Cayman Airways instance, we know that it is insolvent. What is the cause for this? Is it because the lawsuits by other lawyers have been filed?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: However, if I can assume that they are going to be successful, Mr. Speaker, why then are we giving them indemnity? Are they assuming that they are going to be successful? I do not know. That could be a cause for this.

Mr. Speaker, I know what: This total protection for everything we have done here, I cannot support. The Government is going to have to do this one on their own.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I am seriously concerned about why an indemnity is being issued to these lawyers of CARA, which was created for the purposes of AML-CFT, while nothing has been issued for the accountants, who have found themselves in the same shoe— or will it come after the fact too?

Mr. Speaker, the Attorney General needs to explain this as to the reasons why this is being done at this time. Like I said, I understand Cayman Airways because of their insolvency and the likes, but if these are insolvent, then let us hear such is the reason.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? I call now on the Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Mr. Speaker, and I thank the honourable member to the debate.

Mr. Speaker, I think I explained in my presentation that, because of the weaknesses that were identified in the Anti-Money Laundering Mutual Evaluation Report done by the CFATF, it creates a difficulty for the jurisdictions, Mr. Speaker— a reputational difficulty, and the attorneys were designated by Cabinet as a self-regulatory body to effectively perform a function on behalf of the state, the Government, Mr. Speaker; so in effect, they were carrying out a public function.

Had it not been for them, the Government would have to find the resources to establish a public body, maybe a compliance commission or something, staff it with public officers, pay them to do all that— salary, health care benefits, everything— and they would have then been indemnified, and provided with immunity, Mr. Speaker. It was considered quite sensible, Mr. Speaker, to have this self-regulatory body perform this function in the same way we have the accountants perform this function.

Mr. Speaker, I do not know that there is a particular timeframe within which to provide a Deed of Indemnity.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, it only becomes relevant if I might say, if there is a suit brought against these persons and the claim is successful and they are required to pay damages and/or costs out of their own pocket.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, public servants enjoy the same sort of protection, so I am not so sure what the timing has to do with it.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, there is really no “perfect time” as such. It is what it is, it is an indemnity, and it applies to members who are there now and members who may have resigned, Mr. Speaker. Some of these things manifest themselves later on in life, so we do not know. We do not know, but the Government has an obligation to do this for them.

Mr. Speaker, I cannot speak to the number of lawsuits that are before the court; it is a matter for the court. We do not know what the outcomes of those will be, and I say no more about that. Sufficient time to the day, if and when those are dealt with, Mr. Speaker; but I am not so sure what the suspicion is. The only concern for those who are involved in those lawsuits would be that if they are successful, their costs, etc. be paid. That is all their concern would be—

Mr. Kenneth V. Bryan: Mr. Speaker.

The Attorney General, Hon. Samuel W. Bulgin: That would be all their concerns, Mr. Speaker, so it is not, in my view, an issue about why it is being brought and—

Mr. Kenneth V. Bryan: Mr. Speaker.

The Attorney General, Hon. Samuel W. Bulgin: Whether it is related to a particular lawsuit. Therefore, Mr. Speaker, I do thank you and I thank honourable Members for their contribution.

The Speaker: The Attorney General has sat down, I think he has completed his—

[Inaudible interjection]

The Speaker: Were you rising on a point of order?

Point of Order

Mr. Kenneth V. Bryan: Yes, Mr. Speaker, I rose on a point of order before he finished speaking, but it seems strategic. On a point of elucidation and clarity on whether this Bill is retroactive or not. That is why I wanted to ask the question before he sat down, but I see that he intentionally tried to sit down before he was forced to answer the question.

[Inaudible interjection]

An Hon. Member: You can't say that.

The Speaker: I think you might be stretching your imagination a bit.

[Crosstalk]

The Speaker: Honourable Member, all Members had an opportunity to speak. I called Members twice, and the only one to rise was the Honourable Leader of the Opposition. I gather you must have wanted to speak.

Hon. V. Arden McLean, Leader of the Opposition: Yes, sir.

The Speaker: Yes, but you were out of the room. That is why you need to stay in your seat. Members need to sit here more often and stop complaining about quorums when you should be here!

[Inaudible interjection]

The Speaker: I need to go that far because I have been given a very rough time in the chair tonight, when there was no reason. I might not have long to be here; I do not know, but I can tell you this: I am not going to put up with it much longer.

The question is, **BE IT NOW THEREFORE RESOLVED** that the Legislative Assembly hereby authorises the issuance to members of CILPA's Board and CARA of a Deed of Indemnity guarding against the potential liability of members of CILPA's Board and CARA. All in favour please say Aye, those against, no.

AYES and NOES.

Mr. Christopher S. Saunders: A division, please, Mr. Speaker.

The Speaker: The Ayes have it.

Mr. Christopher S. Saunders: Mr. Speaker, a division, please.

The Speaker: Madam Clerk, divide.

Division No. 49-2020

AYES: 9

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart

Hon. Tara A. Rivers
Capt. A. Eugene Ebanks
Hon. Barbara E. Conolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.

NOES: 4

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

Absentees: 5

Hon. Juliana Y. O'Connor-Connolly
Hon. Joseph X. Hew
Mr. Anthony S. Eden
Mr. D. Ezzard Miller
Mr. Bernie A Bush

[Crosstalk]

The Speaker: The result of the division: 9 Ayes, 4 Noes, 5 Absentees.

Agreed: Government Motion No. 6 of 2020-2021 passed.

The Speaker: Honourable Members, we have come to the end of a long-enough Meeting. We are about to celebrate, and I hope we can do so, a Christmas with our families, and so I want to wish you and your families a blessed Christmas; that all good things will be yours. That you will be safe and that you will be able to spend quality time with your children — your families.

I do want to wish the same for all our people, from West Bay to Spot Bay, and trust that they will be blessed throughout this Christmas Season. A very special greeting to my West Bay West constituency. No doubt all of us realise that this year, not just passed by. Going up to the end of it has been a rough year, and we ought to be thankful that we are still here, that we were able to accomplish so much for our people. That no guns roll in the streets; that we were

blessed that we could move and congregate where we needed to at times, even though with restrictions.

I look back on this year and say it has been a rough year, but I look forward to the New Year. The Christmas carol says: “***Yonder breaks a new and glorious morn.***”. That speaks of hope, and that is what we must have— hope; trust in God, and hope. Have a good Christmas, all of you.

Honourable Premier.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker, for I believe speaking on all our behalf in terms of wishing everyone a happy and blessed Christmas; and with that, Mr. Speaker, I move the adjournment of this honourable House, *sine die*.

The Speaker: Be careful in all your nocturnal activities.

[Laughter]

The Speaker: The question is that this honourable House do now adjourn *sine die*. All in favour please say Aye, those against, no.

AYES.

The Speaker: The Ayes have it.

At 10:05 p.m. the House stood adjourned *sine die*.