



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

First Meeting of the 2017-2018 Session

Second Sitting

Thursday
24 August, 2017
(Pages 1-55)

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PRESENT WERE:

Hon W McKeever Bush, OBE, JP, MLA
Speaker of the Cayman Islands Legislative Assembly

MINISTERS OF THE CABINET

Hon. Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Human Resources, Immigration and Community Affairs
Hon. Moses I Kirkconnell, JP, MLA	Deputy Premier, Minister of District Administration, Tourism and Transport
Hon. Juliana Y O'Connor-Connolly JP, MLA	Minister of Education, Youth, Sports, Agriculture and Lands
Hon. Dwayne S Seymour, JP, MLA	Minister of Health, Environment, Culture and Housing
Hon. Roy M McTaggart, JP, MLA	Minister of Finance and Economic Development
Hon. Joseph X Hew, JP, MLA	Minister of Commerce, Planning and Infrastructure
Hon. Tara A Rivers, JP, MLA	Minister of Financial Services and Home Affairs

EX OFFICIO MEMBERS OF THE CABINET

Hon. Gloria M. McField-Nixon	<i>Acting Deputy Governor</i> , Responsible for the Portfolio of the Civil Service
Hon. Samuel W Bulgin, QC, JP	Attorney-General, Responsible for Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Capt. A. Eugene Ebanks, JP, MLA	Elected Member for West Bay Central
Mr. David C. Wight, MLA	Elected Member for George Town West
Mrs. Barbara E. Connolly, MLA	Elected Member for George Town South
Mr. Austin O. Harris, Jr., MLA	Elected Member for Prospect

OPPOSITION MEMBERS

INDEPENDENT MEMBERS

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

APOLOGIES

Mr. Bernie A. Bush, MLA	<i>Deputy Speaker</i> - Elected Member for West Bay North
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**OFFICIAL HANSARD REPORT
FIRST MEETING OF THE 2017-2018 SESSION
THURSDAY
24 AUGUST, 2017
10:43 AM
Second Sitting**

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

The Speaker: Good morning.

I will call on the Member for Newlands, Deputy Leader of Opposition to say prayers this morning.

PRAYERS

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition, Elected Member for Newlands: 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 Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and 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 Legislative Assembly, the Leader of the Opposition, Ministers of the Cabinet, ex-officio Members and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

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

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

The Speaker: Please be seated.

The Proceedings are resumed.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

The Speaker: None.

**PRESENTATION
OF PETITIONS**

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**Report of the Public Accounts Committee on the
Reports of the Office of the Auditor General on
Governance in Aviation Bodies – Summary of Key
Findings and Follow-up on past PAC
Recommendations**

**The Report of the Office of the Auditor General –
Governance in Aviation Bodies Summary
of Key Findings**

**Report of the Office of the Auditor General
Follow-up on past PAC Recommendations**

The Speaker: The Chairman of the Public Accounts Committee, the Member for North Side.

Hon. D. Ezzard Miller, Elected Member for North Side, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable House, two reports from the Auditor General: Governance in Aviation Bodies—Summary of key findings and Follow-up on past Public Accounts Committee (PAC) recommendations, and the report of the Public Accounts Committee.

The Speaker: So ordered.

Does the Member wish to speak thereto?

Hon. D. Ezzard Miller, Leader of the Opposition:
Thank you Mr. Speaker.

Mr. Speaker, both of these were follow-ups on reports done in 2013, 2014 and 2015, mostly to determine how many of the recommendations of the Auditor General and the Public Accounts Committee had been implemented by the various bodies.

The Committee is pleased to report that the Governance in Aviation Bodies—Summary of Findings, finds that those bodies, namely: the Civil Aviation Authority of the Cayman Islands, the Cayman Islands Airport Authority, and Cayman Airways Limited have complied with all or are in the final stages of implementing all of the recommendations put forward by the Auditor General and the Public Accounts Committee. These recommendations surrounded the following areas:

- Cabinet needs to ensure proper rotation of Board Members
- Boards need to provide a strategic focus
- Boards need to discuss and improve important documents
- Board Members need to be clear about their roles and responsibilities
- Boards need to review Chief Executive Officer job descriptions
- Bodies need to have clear processes for transparent decision making
- Cabinet needs to consider skills and experience needed by bodies when appointing board members
- Board members need better training; and
- Bodies need to improve their engagement with stakeholders

The Public Accounts Committee endorses the recommendations of the Auditor General in this Report and did not believe any public hearings on it were needed. The second report, Mr. Speaker, concerned itself with another set of follow-up on past PAC recommendations, namely,

Report	Done
Financial and Performance Reporting Entire Public Sector, Ministries, Portfolios and Offices and Financial and Performance Reporting Statutory Bodies and Government Companies for the year ending 30 th June 2014	September 2015
Government Programmes Supporting Those in Need	May 2015

National Land Development and Government Real Property	June 2015
Management of Travel and Hospitality Expenditures	May 2014
Collecting Government Revenues	September 2015
Government IT Security	September 2015
Major Capital Projects – Building schools	May 2015
Management of the Nation Building Programme	July 2015

The Auditor General used three colours to grade the success or lack thereof of the implementation of the recommendations. Those bodies that completed the recommendations were given green colours; those who were part way in the process but had not yet completed it were given an amber colour, and those that had made limited or no progress were given a red grade. The following bodies received a green grade:

- Management of Travel and Hospitality Expenditures
- Government IT Security
- Major Capital Projects – Building Schools
- Management of the Nation Building Programme

Mr. Speaker, the Committee would like to record in the Hansard, and publicly, our appreciation and thanks to those bodies that made the effort to successfully complete the recommendations of the Auditor General because that is what this whole process is about; correcting errors and moving the country forward.

We have made efforts to move away from the “gotcha” syndrome, and prefer to work in a more collaborative and cooperative fashion with the various entities in Government to encourage them to take the recommendations of the Auditor General and the Public Accounts Committee seriously and implement them.

Mr. Speaker, the Committee also decided to write letters to the Ministries responsible, and I would like to read one of these letters into the record; this one is addressed to the Honourable Franz Mander-son, Deputy Governor of the Cayman Islands Government:

“Dear Deputy Governor,

The Office of the Auditor General's
report—follow-up on past PAC
recommendations

The Auditor General has provided the
Cayman Islands Legislative Assembly

Public Accounts Committee with a report assessing Government's response in the Minute of October 2016, to reports published by the PAC—

The Speaker: Sorry Member. Is that a letter from the PAC?

Hon. D. Ezzard Miller, Leader of the Opposition: From the PAC to the entities that got the green grade.

The Speaker: Has it been passed to Members of the House or not?

Hon. D. Ezzard Miller, Leader of the Opposition: It should be a part of the Report.

The Speaker: In the report? Part of the report?

Hon. D. Ezzard Miller, Leader of the Opposition: Yeah.

The Speaker: Could you supply me with a copy, please?

Hon. D. Ezzard Miller, Leader of the Opposition: Okay.

[Pause]

Hon. D. Ezzard Miller, Leader of the Opposition: I will change focus while you get a copy made, okay?

Equally, Mr. Speaker, while we are prepared to lavish deserved praise on those entities that did well, the Committee is also very concerned about the government entities that did not implement the Auditor General and PAC recommendations. The two bodies that got an amber grade, were:

- The Ministry of Finance and Economic Development [for the report on] Financial and Performance Reporting entire Public Sector, Ministries Portfolios and Offices, and Financial and Performance Reporting, Statutory Authorities and Government Companies for the year ending 30th June 2014 to December 2015; and
- The Ministry of Planning, Lands, Agriculture, Housing and Infrastructure [for] the report on the National Land Development and Government Real Property.

We appreciate that they have made some efforts, but we really hope and trust that during this financial period, that is before December 31st this year, they will complete the remainder of the recommendations in order to have the corrective measures in place for the next budget period.

The two entities that got the red grade, were:

- The Deputy Governor's Office—Collecting Government Revenues; and

- The Ministry of Community Affairs, Youth and Sports—Government Programmes, Supporting Those in Need.

Mr. Speaker, the Committee held hearings with those four bodies and, except for the Ministry of Community Affairs, Youth and Sports, we believe that they all will make the effort to get the recommendations put in place. We actually had to defer the hearings on the Government Programmes Supporting Those in Need because the Ministry is relying very heavily on a consultant's report, which is an outline business case done by KPMG, and they didn't feel that the Public Accounts Committee could have sight of it until the government was finished with it. We deferred the hearings on that one, and it will be reported in a separate PAC report, hopefully, in a next Meeting.

Mr. Speaker, to return to the letter we sent to the various bodies, and read it into the record. Let me start over.

"Dear Deputy Governor,

Office of the Auditor General's Report –
Follow-up on past PAC
recommendations

The Auditor General has provided the Public Accounts Committee with the report assessing Government's response, in its Minute of October, 2016, to reports published by the Public Accounts Committee in June 2016. The Committee published these reports after holding hearings on the Office of the Auditor General Reports.

The Committee considered this report at its meeting on the 26th of July, 2016 and wishes to acknowledge our pleasure in the significant action taken by Government to address the recommendations in the following four reports:

- Management of Travel and Hospitality Expenditure—May 2014.
- Government I.T. Security—September 2015.
- Major Capital Projects – Building Schools—May 2015, and;
- Management of the Nation Building Fund—July 2015.

We note that your Office took responsibility for posting the recommendations in two of these reports: Management of Travel and Hospitality Expenditure and Management of the Nation Building Programme.

I have also written to the relevant Chief Officers for the other two reports acknowledging our appreciation." –

Signed: D. Ezzard Miller,
Chairman, Public Accounts Committee
[UNVERIFIED QUOTE]

Mr. Speaker, we believe that it is equally, if not more important, to acknowledge and praise civil servants who take these reports seriously and make the necessary efforts to put the corrective actions in place, because we have always been ready and sometimes more willing than necessary to offer up criticism when things are not being done correctly.

Mr. Speaker, I would recommend to honourable Members that they peruse the Auditor General's reports and read, in some detail, the PAC report on those two entities.

Thank you, Mr. Speaker.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

QUESTION NO. 1 HOW MANY ROYAL CAYMAN ISLANDS POLICE OFFICERS HAVE BEEN PLACED ON LEAVE SINCE JANUARY 2017 AND WHY?

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean, Elected Member for East End: Thank you Mr. Speaker.

Mr. Speaker, Question No.1 standing in my name reads: Can the Honourable Deputy Governor, Ex- Officio Member, state how many Royal Cayman Islands police officers have been placed on leave since January 2017 and why?

The Speaker: The Honourable Acting Deputy Governor.

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

Mr. Speaker, as of the 31st December 2016, the Royal Cayman Islands Police Service had accrued 51,914.75 hours of compensatory time or "comp time" at a potential cost to the Cayman Islands Government of \$1,166,087.

In March 2017, as part of his internal audit function, the Commissioner of Police reviewed the matter and identified there were fifty-six personnel who had accrued comp time ranging from 1,102 hours or a cost of \$23,508 to 266.50 hours or a cost of \$7,994. Following the review, fifty-six personnel were directed on leave effective 1st May 2017 to clear compensatory hours' payable in excess of 75 hours, to comply with the RCIP's Time Recording policy. Personnel directed to take leave was provided with an option to present viable alternatives by 1st May 2017, for consideration by the Commissioner.

Mr. Speaker, the majority of the fifty-six personnel concerned presented alternative dates that suited their domestic circumstances and all were ap-

proved subject to the proviso that all accrued compensation time in excess of 75 hours was cleared in full by the 31st December, 2017.

Thank you, Mr. Speaker.

Supplementaries

The Speaker: The Member for East End.

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

Mr. Speaker, can the Acting Deputy Governor tell us what was the minimum and maximum number of hours any one individual would have had?

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

The maximum hours ranged at the top end from 1,102 hours, with the minimum hours of the personnel involved being 266.5 hours.

The Speaker: The Member for East End.

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

That is some 200 days... or close to 100 days; I wonder if the Acting Deputy Governor can tell us how it got to that point.

The Speaker: Deputy Governor, do you have that kind of information available to you?

Deputy Governor.

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

In terms of the primary drivers of the accrued comp time, we understand that there were wide ranging issues. These included the staffing and hours required to deal with criminal investigations, the incidents that came up suddenly, such as accidents or sudden death investigations. There was court attendance that would fall on individual's rest days while trials were ongoing, there was the policing of special events which included periodic events such as election duties.

In the absence of any budget provisions for the payment of this over time, the extra duties performed are recorded as comp time and feed into the accrual cycle, and this occurred over a number of years.

The Speaker: The Member for East End.

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

Mr. Speaker, I am sure the Acting Deputy Governor will enlighten us as to whether or not sending these people off further compound that problem, by virtue of shortage of staff.

The Speaker: Honourable Deputy Governor.

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

What I can say is that this matter is being closely reviewed. In the past, efforts were made to deal with these types of accruals by buying out the comp time at a reduced price but buying it out to try to settle it because you will appreciate that the longer this stays on our books, the greater the chance that the cost incurred for that time will increase because people receive either salary increases, Cost of Living Allowance (COLA)... Things which could allow that comp time to actually increase in value the longer it stays aging on our books. The effort was made in the past to buy this out at a discount. While it relieved some of the comp time that had been accrued, there were still individuals who did not accept that offer. Those persons are included in the fifty-six who are now taking it as actual time off.

In terms of how we are looking at the impact, the RCIPS is reviewing what the impact on the current balances is, as it were, of leave time. What is the effect to the officers who remain of having officers on leave and the sort of compensation they might be earning if it were to be offsetting the wins that were achieved by putting the persons who had significant balances on leave.

What I can say is that, roughly three months into this programme that the RCIPS has adopted, the situation has stabilised and it has been reduced marginally, with the net effect of this impact being the reduction of some \$71,698 to date. There are still several months to go before the end of the year, so they continue to monitor it. More importantly, what they have done is look at how comp time is being accrued to begin with.

As of May 2017, they adopted a policy restricting the use of compensation hours without approval of a Chief Inspector. They are also looking at the way they would manage the rate at which accrual is happening, because there were not necessarily adequate governance and management provisions in place to ensure that the accruing comp time was, in all cases, the Department's best and proper outcome. In addition to ensuring they have a program in place to reduce the comp time being accrued, management is actively looking at the rate at which new hours are being submitted to be verified, before they can be recognised as comp time only.

The Speaker: Before you move on, honourable Member, we have gone beyond the hour of 11:00 a.m.

Is there a Motion as to whether the Government prefers to move forward?

Suspension of Standing Order 23(7) and (8)

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

Mr. Speaker, I move the suspension of Standing Order 23(7) [and (8)] in order that questions may continue beyond the hour of 11:00a.m.

The Speaker: Thank you.

The question is that Standing Order 23(7) and (8) be suspended to allow questions to continue beyond 11:00a.m. All those in favour, please say Aye. Those against, No.

AYES

The Speaker: The Ayes have it.

Agreed: Standing Order 23(7) and (8) suspended.

The Speaker: I will allow one more supplementary on this question.

[Crosstalk]

Mr. V. Arden McLean: Mr. Speaker, I wonder if the Acting Deputy Governor can tell us how many officers refused the buyout and what amount of the accrued time accounted for those who refused it?

[Pause]

Hon. Gloria M. McField-Nixon, Acting Deputy Governor: Mr. Speaker, just to clarify, the buy-out offer and the actual buyout happened during a previous attempt by the RCIPS to settle the comp time. This was not the approach proposed for the current settlement of it, so when I referred to the fact that some of the fifty-six officers were those who had refused the offer of the buyout they were from the prior effort to settle it.

When we previously paid out officers at a reduced rate for their comp time, some of the fifty-six were persons who did not avail themselves of it at the time and are now taking their leave as part of these fifty-six, so they're some of the higher balances. I cannot say how many persons refused or what portion of the hours relate to the persons who refused it in the RCIPS' earlier attempts to resolve comp time in that manner, but [I can undertake to get that answer](#).

The Speaker: The Member for East End.

Mr. V. Arden McLean: Thank you, Mr. Speaker. I thank you for your indulgence.

Mr. Speaker, I am glad we clarified that because I was under the impression that an attempt had been made. Are we saying, then, that no attempts were made this time to buy out the 51,912 hours' accrued time; and if there were, how much upon the dollar was offered first?

The Speaker: Honourable Deputy Governor, are you prepared to answer that?

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

What I can say is that it is my understanding that during the last efforts by the RCIPS to purchase the comp time that was owing—so, the effort immediately before this 2017 effort—the offer made was to, essentially, pay 50 per cent of the value. It is my further understanding that that offer was not accepted by all of the officers at the time. As I said, I do not know how many officers did not accept that offer and their balances are now impacting our current value.

In terms of was this a part of the programme adopted by the RCIPS in 2017, when they looked at the significant leave balances that were still accruing, it is my understanding that they took a different approach partly because the approach that was taken before was not unanimously accepted, and partly because of the fiscal constraints facing the department. They opted to look at allowing such persons to take their leave and putting in place the management structures to reduce the amount of accruing comp time going forward.

The Speaker: Next question please?

QUESTION NO. 2

Can the Honourable Minister give an update on the construction for the toilet facilities on the public beach next to Starfish Point?

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of the Opposition: Thank you, Mr. Speaker.

Can the Honourable Minister of District Administration, Tourism and Transport give an update including the start of construction and a projected completion date for the toilet facilities on the public beach next to Starfish Point in Rum Point?

The Speaker: The Honourable Minister responsible for District Administration, Tourism and Transport, the Honourable Deputy Premier.

Hon. Moses I. Kirkconnell, Deputy Premier, Minister of District Administration, Tourism and Transport: Thank you, Mr. Speaker.

Mr. Speaker, the answer: there is funding for this project planned in 2018 Fiscal Year, which is subject to the budget appropriation Law being approved. Public Works Department has completed preliminary plans and a preliminary estimate; the preliminary estimated cost of the restroom cabana, parking, landscaping and site is \$100,000. The project schedule as planned:

Fiscal Year 2017: October to December—preparation of final architectural drawing cost estimate.

Fiscal Year 2018: January to March—obtain Building Permit; April to July, tender for construction; August to December, construction and completion.

Supplementaries

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of Opposition: Through you, Mr. Speaker.

Mr. Speaker, I wonder if the Minister would consider letting me have a copy of the proposed drawings prior to them being finalised so they can be discussed with the North Side District Council from whom this proposal came originally.

The Speaker: The Honourable Deputy Premier.

Hon. Moses I. Kirkconnell, Deputy Premier: Thank you, Mr. Speaker.

Yes, Mr. Speaker, I would be happy to do that. I think it is a very good request and we look forward to your input.

QUESTION NO. 3

WHAT DESIGN FEATURES OF THE NEW AIRPORT PAST THE TERMINAL AT OWEN ROBERTS INTERNATIONAL AIRPORT WILL SPECIFICALLY ENHANCE CUSTOM'S ABILITY TO DETECT CONTRABAND AND PASSENGERS AND THEIR LUGGAGE?

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I beg to ask the Honourable Minister of District Administration, Tourism and Transport what design features of the new airport past the terminal at Owen Roberts International Airport will specifically enhance custom's ability to detect contraband on passengers and their luggage?

The Speaker: The Honourable Deputy Premier.

Hon. Moses I. Kirkconnell, Deputy Premier: Thank you, Mr. Speaker.

The answer: The Cayman Islands Airport Authority has provided space to Her Majesty's Customs in the arrivals' area of the redeveloped terminal. This space has been configured to the specifications requested by Her Majesty's Customs, in order to be utilised as Customs sees fit.

In relation to the specifications to enhance Customs' ability to detect contraband, I would like to cite Standing Order 23(4), whereby a Member of the

Government may decline to answer a question, if an answer would, in the opinion of the Government, be contrary to the public interest—I am not in a position to make public Her Majesty's Customs' plans for detecting contraband.

I thank the honourable Member, and the Leader of the Opposition, for the question and his consideration in this matter.

The Speaker: If there are supplementaries, I will allow it on the first part of the question and the—

Hon. D. Ezzard Miller, Leader of Opposition: I don't have any supplementaries.

The Speaker: Thank you.

Hon. D. Ezzard Miller, Leader of Opposition: I am going to leave that right there.

**QUESTION NO. 4
WHAT PROGRESS HAS BEEN MADE WITH
IMPLEMENTING ELECTRONIC FUNDS
CLEARINGS BETWEEN ALL LOCAL
RETAIL BANKS?**

The Speaker: The Elected Member for Newlands.

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

Mr. Speaker, I would like to ask Question No. 4 in my name, to the Honourable Minister of Financial Services. Can the Honourable Minister provide an update on the progress made with implementing electronic funds clearings between all local retail banks?

The Speaker: The Honourable Minister for Financial Services and Home Affairs.

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs: Thank you, Mr. Speaker.

Mr. Speaker, the answer: The Cayman Islands Monetary Authority (CIMA) has advised that the Cayman Islands Bankers Association (CIBA) is progressing with their project to establish an automated payment and clearing system in the Cayman Islands.

The system will provide two critical functionalities: (1) Electronic Funds Transfer (EFT); and (2) Cheque Image Exchange (CIE), which will speed up the payments and clearing processes. It was previously anticipated that the EFT element of the project would have been implemented during the third quarter of this year. In CIBA's recent project status update, CIMA was informed that the go-live target date is now set for 21st March, 2018. The delay is necessary to allow time for all of the local retail banks to be at the same state of readiness.

All of the local retail banks, I have been informed, are committed to the EFT system being oper-

ational by that date and the majority of them are currently at a more advanced stage of readiness. A test plan has been agreed and has commenced. The functional testing for the EFT was completed on 21st July, 2017, and further integration and systems certification testing is scheduled to take place during the next four months.

Work has commenced on the Cheque Image Exchange (CIE) initiative, and it is anticipated that implementation will follow by the fourth quarter of 2018. All of the local retail banks have committed to this target date as well, and are preparing their systems and documentation.

Supplementaries

The Speaker: The Elected Member for Newlands.

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

Mr. Speaker, can the Minister state whether the management of this implementation is being done jointly between CIMA and the banks, or are we simply relying on the banks to get this completed? My concern is that this has dragged on over a number of years now, and I am seeing more and more incidents where consumers are being charged fees.

For example, when using a local ATM (Automatic Teller Machine) you put your card in, and if your card doesn't come from the bank the ATM belongs to, you are charged a fee. That indicates to me that you are being charged for an international transaction because according to the message popping up on the screen, the funds are being cleared somewhere else.

These things are impacting consumers; they are impacting individuals who have to rely on paper cheques, especially people with small businesses who need to have their funds cleared as quickly as possible to operate. Are we actively establishing deadlines and asking for this implementation to be done in a timely manner, because the last update we got from the previous Minister was third quarter and now we are hearing it is pushed again until next year.

I think that is totally unacceptable.

The Speaker: The Honourable Minister.

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

I have been informed by my staff. To answer the first question as it relates to the role of CIMA and the banks, in terms of implementing this project, it is my understanding that the actual implementation of this project is being driven by the banks themselves and CIMA has more of an oversight role. That is the information I have to date. Of course, I can ask for further clarification which would be delivered in writing, if necessary, to the Member, if he has supplementaries on that particular point.

On the issue of international transactions being utilised, again, those are technical details that I may need to get more information on, but generally speaking, I know most banking institutions have moved to either Visa or MasterCard-linked debit cards which by its very nature have an international aspect. That may account for some of the additional charges, but these are questions that I will be happy to take forward and get more details if necessary.

The Speaker: The Elected Member for George Town Central.

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Question to the Minister of Financial Services in respect to this update for the question from the Honourable Deputy Opposition Leader, the Member for Savannah: Would this update in the process address the concern of banks charging fees on cheques? If not, I just want to know if that's involved in this query.

Hon. Tara A. Rivers: Mr. Speaker, I would like a moment to consult with my staff on this particular supplementary.

[Pause]

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

The Speaker: Honourable Minister.

Hon. Tara A. Rivers: Yes, Mr. Speaker.

This is certainly an area that we know we all have concerns about; it is certainly one of the questions that we would need to get further clarification from the banks as to what the intention is as it relates to their current banking fee structure and how to anticipate any such moves.

As I said, CIMA is certainly in conversation with them and I will ensure that it is in the agenda if it is not already, which I anticipate it is, because it is one of the concerns that I certainly have already flagged as an issue we need to look at. How we actually address consumers' concerns while at the same time making the system more efficient in a way that is palatable for all Parties involved.

The Speaker: The Elected Member for Newlands.

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Thank you, Mr. Speaker. This is my final question.

Would the Minister commit to finding out from the banks, what is being done with the float involved in these cheque transactions? For example, with the day a cheque is deposited, it takes about four days for it to clear and hit the beneficiary's account. What is being done with those funds in the interim? Is the

bank investing that money? Or is that money being held in escrow?

The Speaker: Minister?

Hon. Tara A. Rivers: Yes, Mr. Speaker; I was diligently writing down the question. I will certainly make the request to get further information for the Member in that regard.

The Speaker: We will move on to the next question.

QUESTION NO. 5

**(A) CAN THE HONOURABLE MINISTER STATE IF THE GOVERNMENT IS CONDUCTING AN INVESTIGATION INTO THE RECENT FIRE AT THE SOL STORAGE FACILITY;
(B) IF, SO, WHO IS CARRYING OUT THE INVESTIGATION?**

The Speaker: The Elected Member for East End.

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

Mr. Speaker, question no. 5 standing in my name is asked of the Minister for Commerce, Planning and Infrastructure:

- (A) Can the Honourable Minister state if the Government is conducting an investigation into the recent fire at the SOL storage facility;
- (B) If, so, who is carrying out the investigation.

The Speaker: The Honourable Minister responsible for Commerce, Planning and Infrastructure.

Hon. Joseph X. Hew, Minister of Commerce, Planning and Infrastructure: Thank you, Mr. Speaker and thank you to the Honourable Member for East End.

Mr. Speaker, an investigation is currently underway by the Government under the auspices of the Utility Regulation and Competition Office (OFREG) which is formerly the Petroleum Inspectorate). Substantial information has been gathered so far, however, critical evidence which needs to be gathered from inside the tank is pending [subject to] the tank being emptied and gas-free to allow entry for inspections.

Mr. Speaker, the second part of the question was answered before but for the record, OFREG's—which is the Utilities Regulation and Competition Office—Fuels, is leading the investigation from the perspective of the Dangerous Substance Law, sir.

The Speaker: Thank you.

Before you rise, Member for East End, there is a complaint that it is difficult to hear Members because they are not speaking directly into the mics. The system is not sound directional, so you have to

speak into the mic. We are having that complaint even from people listening to the television, so please try to steer your voice into the microphone.

The Elected Member for East End, supplementary.

Supplementaries

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

I hope we will, at last, get the desire, the need, or the understanding that we need to change these mics. We need to change the system; it should not have been in from the beginning.

[Inaudible interjection]

The Speaker: Do you have a supplementary question Member for East End?

Mr. V. Arden McLean: Yes, Mr. Speaker.

Mr. Speaker, I would like to ask the Minister if he is comfortable that the expertise and equipment are available on-island to do such an investigation, because of the technicalities of a fire within storage facilities.

The Speaker: The Honourable Minister.

Hon. Joseph X. Hew: Thank you, Mr. Speaker.

Mr. Speaker, while [I am] answering this question today, the responsibilities do lie with the Utility Regulation and Competition Office (OFREG).

As far as I understand Mr. Speaker, it is a joint investigation including the Fire Service and the Members from OFREG. I certainly don't know within my own capacity, whether they are qualified or not. [I can certainly endeavour to seek a response for the Member](#) to see whether or not they have partnered, or perhaps hired more technical persons to do the investigation, but I am certainly not in a position to answer that, sir.

The Speaker: The Elected Member for East End.

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

Mr. Speaker, it was not my intention to insult anybody's competencies or otherwise. It is a highly technical process to investigate fires in storage facilities. Equipment is highly specialised—such as checking vents.

That is the reason I asked if the equipment is available on island, because if you will recall, Mr. Speaker, I have asked a number of times about those same tanks and their integrity and it was told to me in Finance Committee, in particular, that we don't have that kind of equipment here. I am, therefore, wondering if they have brought it in and brought someone to operate that equipment, because that is where fire starts from and the possibilities of identifying how it

started and why it started. That is all I am asking, whether that kind of equipment has been brought in at this stage.

The Speaker: Honourable Minister, do you have that kind of information at hand?

Hon. Joseph X. Hew: Mr. Speaker, no, I do not; but [I will certainly try to get an answer for the Member, sir.](#)

The Speaker: Thank you.

The Elected Member for Bodden Town West:

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

Just out of curiosity, through you, sir. Can the Minister advise this House if the Government is actually contemplating an overall emergency plan or something to do with the storage as to where they are located because I received many calls and texts that night, that people in that area were deeply concerned. I am just wondering whether an overall plan to relocate the storage tanks, or a general response to this level of emergency in such a residential area is being developed.

The Speaker: The Honourable Minister.

Hon. Joseph X. Hew: Thank you, Mr. Speaker. I thank the Member for the question.

Mr. Speaker, on relocating the tanks, there is no formal plan at the moment. The House and the public may remember that there was a potential for relocating the tanks to East End but—

[Inaudible interjection]

Hon. Joseph X. Hew: Mr. Speaker, as you can tell, that certainly wasn't a very popular proposition, so the question is, where do we put those tanks. There is no formal plan at the moment, to relocate the tanks.

I do know that Hazard Management certainly haven't gone through the exercise. I reviewed their policies and protocols in order to better inform the general public and, certainly, the people within radius of the tanks and there is an ongoing review of those protocols.

The Speaker: The Elected Member for George Town Central.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker. Through you: I want to add to the Elected Member for Bodden Town West's question, but delve a little further.

In respect to the investigations, what are the parameters thereof. Has he details of what they are looking for; whether that is available and if so, are considerations to the dangers of the close proximity of the fuel tanks to that neighbourhood within those in-

vestigations, because I think will be a great opportunity to investigate the pros and cons of it at this particular point.

As a country, we have to give serious consideration to the location of those tanks regardless of what district it has to go to; and we did not plan before, about putting the proper boundaries around those tanks, but it is right now that a potentially serious situation could arise in the event those tanks actually explode. I think it is a good opportunity to ask that question now and if the Minister has considered it within the investigation.

The Speaker: Honourable Minister.

Hon. Joseph X. Hew: Thank you, Mr. Speaker. I thank the Member for the question.

Mr. Speaker, I do not have those parameters with me; *I will seek to provide those for the Member and this House.*

The Speaker: Next question please.

QUESTION NO. 6 UPDATE ON THE GAZETAL OF THE TWO FARM ROADS IN NORTH SIDE

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of Opposition: Mr. Speaker, I beg to ask the Honourable Minister for Commerce, Planning and Infrastructure:

Can the Minister give an update on the gazettal of the two farm roads in North Side?

The Speaker: The Honourable Minister for Commerce, Planning and Infrastructure.

Hon. Joseph X. Hew: Thank you, Mr. Speaker, and thank you to the Honourable Leader of Opposition, the Member for North Side, for the question.

Mr. Speaker, an update to the Parliamentary Question asked by the Honourable Leader of the Opposition, [the Member] for North Side, previously answered in February 2017 by the then Minister responsible for Planning, Lands, Agriculture, Housing and Infrastructure.

The proposed two farm road project was heard by the National Conservation Council (NCC) at a meeting held on the 22nd March, 2017. In both cases, it was determined that because of the nature and the extent of the proposed action, the NCC requires an Environmental Impact Assessment (EIA) to be undertaken in order for it to provide properly informed advice on which Cabinet can make a decision on the roads.

I am happy to inform the Member that funding appropriations to cover the costs associated with the

EIA have been included in the proposed 2018/2019 Government Budget.

Supplementaries

The Speaker: The Elected Member for North Side, Leader of the Opposition.

Hon. D. Ezzard Miller, Leader of Opposition: Mr. Speaker, I was informed by the former Minister that the roads had actually been gazetted. Have the roads been gazetted, or not?

The Speaker: The Honourable Minister.

[Pause]

Hon. Joseph X. Hew: Mr. Speaker, I understand from the previous Minister's response—and I will confirm—that although the roads were gazetted the gazette process does not, by any means, commit the Government to any road construction and that the affected landowners are waiving any rights to compensation.

[Inaudible interjections]

Hon. Joseph X. Hew: I think part of the process is to go through the NCC for the construction of the roads and to get their input referred to the need for an EIA.

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of Opposition: Through you, Mr. Speaker.

Can the Minister confirm that the NCC is objecting to farm roads being built on farm land?

The Speaker: The Honourable Minister.

Hon. Joseph X. Hew: Mr. Speaker, I thank the Member for the question. I can confirm that the NCC has requested EIAs for these two farm roads.

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of Opposition: I wonder if the Minister can say what kind of environmental assessment does the NCC expects to do if the roads are not laid out by gazettal notice, and designed as to how they are going to be built.

What methodology, what parameters, will the NCC use to determine the environmental effect on the farm land?

The Speaker: Honourable Minister, can you answer that question?

Hon. Joseph X. Hew: Mr. Speaker, I am unable to answer that question, sir. I will certainly try to ascertain that information for the Member.

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of Opposition: Is the Member saying that Cabinet deferred the gazettal of these roads on a fancy submission by the NCC?

[Inaudible interjections]

The Speaker: Honourable Minister.

[Crosstalk]

The Speaker: He said that Honourable Minister—that's why I hesitated, because I thought the answer was already given.

Hon. D. Ezzard Miller, Leader of Opposition: I apologise for the misunderstanding because the application to gazette the road included a written commitment from the farmers that each farmer was providing 15 feet of land on the boundary to facilitate the gazettal of a 30-foot road without any compensation being accepted by government.

Hence, the question is: if it is already gazetted, why is it now being referred to the NCC for some kind of EIA?

The Speaker: The Honourable Minister.

Hon. Joseph X. Hew: Thank you, Mr. Speaker.

Mr. Speaker, under section 41 of the National Conservation Law (2013 Revision) [sic], in instances where a government entity, including the Cabinet is planning or constructing new roads, such actions are deemed as "activity triggers". As defined under the Law, what this means is that the consultation with the National Conservation is mandatory for all new roads, both planned or to be constructed, sir.

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of Opposition: Through you, Mr. Speaker.

That section of the Law says that there is a consultation; the Cabinet does not have to accept the advice of the NCC that an EIA needs to be done.

The question is, in the decision to gazette the roads, has Cabinet accepted that before these farmers can begin to construct this road—because that was the proposal—that even though it is gazetted, the Government is going to pay the NCC or the Department of Environment, I guess it would be. Or they will find some consultant which the government is going to pay to do an EIA on these farm roads on farmland.

The Speaker: I believe the Premier would like to have an intervention here.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the Government thinks that the provision which requires this exercise with respect to EIAs by the National Conservation Council with respect to road construction is, quite frankly, ridiculous and—

[Applause and desk thumping]

The Premier, Hon. Alden McLaughlin: We are in the process of having a review of the National Conservation Law, particularly around this area. Certainly, my view is that we need to swiftly make the necessary amendments to remove these sorts of impediments to the continued proper development of these Islands.

[Crosstalk]

The Speaker: The Honourable Leader of the Opposition, last...

Hon. D. Ezzard Miller, Leader of Opposition: It is not a question.

I just want to thank the Premier for his intervention, and to give him the unconditional support to amend the National Conservation Law, because these are some of the amendments that I Tabled when the Law came here, which the Minister at that time would not accept. Thus, he has the full support of the Opposition Bench to change those sections of the laws that need to be changed.

The Speaker: Thank you; next item.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**Hon. Tara A. Rivers –
International Standard for
Tax Information Exchange**

The Speaker: I have received a statement from the Honourable Minister of Financial Services.

[Crosstalk]

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

Mr. Speaker, on Monday the 22nd August, a high-profile global report was issued that rated the Cayman Islands' compliance with the International Standard for Tax Information Exchange by request.

As my learned colleagues in this honourable House know, the matter of tax information exchange is incredibly important to our countries' profile as a well-regulated, reputable international financial centre

that attracts sound business. This profile has earned us the respect of other jurisdictions that use tax information in their tax audits and investigations.

Mr. Speaker, it therefore gives me great pleasure to say that the Cayman Islands have maintained our largely compliant rating from the Organisation for Economic Co-operation and Development's (OECD) Global Forum on Tax Transparency and Exchange of Information for Tax Purposes in its 2017 Exchange of Information on Request Peer Review Report. This is, in fact, the same rating that the Cayman Islands received in 2013 from the Global Forum but, it is inaccurate to compare the two results and conclude that the Cayman Islands has not improved its regime—quite the contrary.

The 2013 report was based on the Global Forum's 2010 terms of reference; the 2017 report, however, is based on terms of reference that were issued in 2016. The 2016 terms, respond to the tremendous change that continues to occur in the global financial services, and as such, it presents a much more rigorous standard to meet. Therefore, the tax information exchange legislation and regulation that this honourable House has approved in the past few years, and which has been put into action by the Tax Information Authority and our financial services industry, are serving us well.

Just to note, Mr. Speaker, Australia, Bermuda, Canada, Germany, and Qatar also received largely compliant ratings. While Ireland, Mauritius, and Norway were rated as compliant, Jamaica received a partially compliant rating.

I also note that the Global Forum's practice is to issue recommendations to assessed countries, regardless of their ratings, in order to further support compliance with the international standard. Cayman received three recommendations in its report, and the Ministry of Financial Services has already told our industry stakeholders that we will be consulting with them in order to address these recommendations prior to the 30th June 2018, follow up report with the Global Forum.

Mr. Speaker, in his remarks to the House just yesterday, the Honourable Premier spoke of the need to engage locally for the betterment of the democratic process. Indeed, Mr. Speaker, if I could just deviate slightly here, it is certainly a principle I have lived by as an Elected representative from the very beginning when I was given the privilege to grace these Hallowed Halls as a representative of the people and, in particular, since taking on this new role as Minister with the responsibility for Financial Services.

In addition to having engagement with all of the Agencies, Departments and Statutory Authorities that fall under the remit of the Ministry of Financial Services and Home Affairs, I have already begun a series of engagements with local stakeholders in the Financial Services industry including, but not limited to, Cayman Finance, Cayman Islands Institute of Pro-

fessional Accounting, the Insurance Managers Association of Cayman (IMAC) as well as the Society for Trust and Estate Practitioners to name a few, in my quest to meet with all of the industry representative associations during the course of the next coming months.

Mr. Speaker, this is a principle that all of us can support; not just local engagement with the Ministry's consultation of industry stakeholders, but also the need to engage internationally. Indeed, the Global Forum result provides a tangible, measurable outcome of the value of persistent international engagement.

Mr. Speaker, since the Global Forum was restructured in 2009, our Government has been a very active and visible participant in its development and direction, primarily through the Tax Information Authority, Cayman has been represented at practically every official Global Forum meeting. We have held innumerable conversations and exchanged countless emails. We also have helped to train officials in the Global Forum Member countries, which now number some 144 jurisdictions. Because of this consistent engagement, we have ensured Cayman's input in the Global Exchange of Information process and, just as importantly, we have ensured that our own policy, legislation and operational actions is on sound footing.

Mr. Speaker, as an indication of the regard that the Cayman Islands' engagement has earned, the Global Forum has appointed Cayman to several Official posts. Since the Global Forum's restructuring 2009 which broadened its scope of work and influence, Cayman has been one of the eighteen Members of its steering group. This group determines the Global Forums agenda and direction. Currently, we are one of four Vice Chairs of a thirty-member peer review group that sets the methodology, details the terms of reference for the review process, and carries out the actual peer reviews.

We are also a Member of the Automatic Exchange of Information Group and part of the Automatics Exchange of Information Group delegation to the OECD Working Party No. 10 on Exchange of Information in Tax Compliance. Hence, Mr. Speaker, the Cayman Islands' engagement in the global development of Tax Information Exchange has been indisputably beneficial for our financial services industry, our jurisdictional reputation as an international financial centre, and the development of the International Standard for Tax Information Exchange.

Mr. Speaker, I would like to commend the Ministry for Financial Services, and in particular, the Tax Information Authority staff for their commitment to the Cayman Islands. Again, I state how pleased I am that the Cayman Islands have maintained its strong Global Forum rating.

Thank you, Mr. Speaker.

PERSONAL EXPLANATIONS

Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

Speaker: None.

OTHER BUSINESS

MOTIONS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/2017-2018 — HEALTHCARE REFORM

The Speaker: The Elected Member for North Side, the Honourable Leader of the Opposition.

Hon. D. Ezzard Miller, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I beg to move Private Member's Motion No. 1 2017/2018—Health Care Reform, standing in my name.

WHEREAS there is much concern, almost to crises level, among Caymanian Senior citizens about their access to high quality healthcare;

AND WHEREAS there is major concern among all Caymanians to the cost and coverage of Health Insurance particularly as it relates to persons over sixty-five years and children under eighteen;

AND WHEREAS there is widespread concern by all Caymanians, including many of the professionals who deliver treatments, about the quality of the healthcare provided and the ability of government to monitor and regulate the quality;

BE IT THEREFORE RESOLVED THAT this Legislative Assembly considers establishing a Select Committee of six members, four from the Government and two from the Opposition, to review the current policies and Legislation governing Healthcare and make recommendation as to ways to improve both accesses to and quality of healthcare while reducing the cost to consumers before June 30, 2018.

The Speaker: Is there a seconder?

The Elected Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Mr. Speaker, I rise to second that Motion.

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT this Legislative Assembly considers establishing a Select Committee of six members, four from the Government and two from the Opposition, to review the current policies and Legislation governing Healthcare and make recommendation as to ways to improve both accesses to and quality of healthcare while reducing the cost to consumers before June 30, 2018.

The Motion is open for debate, does the Mover wish to speak thereto?

Hon. D. Ezzard Miller, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, representations I have received over the last several years from across the full spectrum of stakeholders concerned—that is patients, the general public, health care providers, health care regulators and even the health insurance providers—has led me to Table this Motion in this honourable House today.

I believe the health care industry is at crisis level. Patients are being denied surgery because they cannot make the co-payment; patients are finding it difficult to access health care due to the high cost of the services and the high cost of health insurance to pay for these services. Caymanians are being denied access to health care for financial reasons. Health care providers themselves are frustrated by the system, and often unable to deliver the quality and scope required to properly and adequately treat their patients due to financial barriers faced by the patients. The health insurance industry providers are complaining about abuse by patients, and health care providers reducing their profits so as to maintain the bottom line. People are often denied coverage by the health insurance companies.

Young Caymanian doctors are frustrated because they are unable to receive any assistance or support to advance their medical training beyond a Bachelor of Medicine, Bachelor of Surgery (MBBS) which, Mr. Speaker, no longer qualifies one to be a general practitioner. The health care regulators are frustrated because the political arm will not enhance existing regulatory legislation to allow them to do their job to regulate the quality of health care provided to patients in the Cayman Islands.

In addition to the representations I have received, Members will recall, [from] the recent Auditor General report [*Ensuring Quality Health Care and a Healthy Population*], the compilation of all the health services provided in the Islands, who was providing them, how they were being paid for and, much more concerning, ensuring quality health care and a healthy population.

If Members took the time to read the PAC report, they would remember the glaring examples of lack of knowledge and commitment at the very top in the Ministry of Health, to provide the necessary kind of policy direction the health care industry and health care regulators need to do their job properly. It was clear from that report, that health care is at a crisis level and needs to be addressed rather urgently in a very comprehensive way, not uncoordinated piecemeal changes made at the request of individual stakeholders.

The recent attempts by the Ministry to introduce reforms, the National Health Policy and Strategic Plan for the Cayman Islands 2012/2017 (notice the dates, 2012 to 2017) Tabled in this honourable House by former minister, Mr. Mark Scotland, on the 13th March 2013—the last Meeting, if not the last Sitting of the Legislative Assembly before it was dissolved for the 2013 Election. Considerable effort was made to produce this document. It was Tabled with much fanfare in this House as to the expectations and the solutions it would bring to health care.

Four years later, Mr. Speaker, at the expiration of this period of time in February 2017, not a single recommendation in this report had been implemented. Even worse, the new Minister who took over the Ministry in 2013 was not even appraised of this report and given an option as to whether any of it should be implemented or not. Mr. Speaker, that is an affront to the many health care professionals and members of the community who contributed to the development of that plan.

Mr. Speaker, the reason I'm suggesting a bipartisan effort at this is because I believe health care should rise above partisan differences. I believe if this select committee is set up and given the opportunity to hold hearings—which I recommend should be public—we could collectively make recommendations which would improve both the quality and access to healthcare. We may even have opportunities to reduce the cost.

Mr. Speaker, I recommend this Motion to this honourable House.

Thank you.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Last call, does any other Member wish to speak?

If not, I call upon the Mover—the Honourable Minister for Health.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing: Thank you, Mr. Speaker. I rise to bring comments to Private Member's Motion No. 1, brought forward by the Member for North Side.

Mr. Speaker, as you may be aware, several pieces of legislation were amended in 2013 to im-

prove access, affordability and quality of health care for all residents. Some of these included amendments to the Health Insurance legislation and the Health Practice legislation.

In 2013, the Health Insurance Law and Regulations were amended to increase the benefits under the Standard Health Insurance Contract (SHIC); also, no underwriting was permitted under the SHIC. This meant all persons residing in the Cayman Islands would be eligible for the standard contract, however, for higher benefit plans or other comprehensive plans, approved insurers would still be able to underwrite. New terms, such as “dependent offspring” and “insured person” were introduced, and other terms such as “high risk insurance person” and “uninsurable person” were redefined to strengthen the legislation.

Mr. Speaker, amendments to the Health Insurance Regulations in 2013 allowed persons enrolled in the enhanced SHIC to pursue or access preventative health care and improved access to care, especially those persons considered high risk. Under the enhanced SHIC, the \$25,000 episodic maximum was removed, as this amount has proven woefully inadequate in catastrophic cases. The increase to \$100,000 per calendar year has provided a more adequate level of coverage for the SHIC-insured. In addition, a wellness benefit and inpatient mental health benefit, an increased outpatient benefit; air ambulance of \$15,000; chemotherapy and radiation as an outpatient benefit are just some of the improvements made to the Health Insurance legislation in 2013 to ensure the needs of the stakeholders are met.

Mr. Speaker, the Ministry, in collaboration with the Department of Health Regulatory Services (DHRS), continues to make amendments to the Health Insurance Law and Regulations through continuous stakeholder communications and feedback. In an effort to keep current and relevant, the Health Insurance Commission (HIC) and the team at the Department of the Health Regulatory Services continuously monitor the compliance and enforcement of the Health Insurance Law and Regulations with their current resources. Additional human resources are expected to be in place in the coming months, which will provide monitoring of the compliance and enforcement of the Health Insurance Law and Regulations.

The Health Practice legislation, Mr. Speaker, was reviewed extensively in 2013 to enhance the health care sector by improving the registration and licensing process for all health care practitioners, and to provide an updated legislative framework to govern health practice in the Cayman Islands. As part of the Ministry's work plan for 2017, a review of the Health Practice Law will commence later this year to address concerns and feedback received by the Ministry.

As Members of this honourable House may be aware, the Ministry developed a five-year National Health Policy and Strategic Plan in 2012. Although the Plan was not fully operational, the Ministry's work was

guided by the strategic objectives of the Plan. The Ministry intends to review and update the Plan in early 2018, and develop operational plans for its implementation.

Mr. Speaker, there have been discussions around a SHIC-65 Benefit Plan for retirees and persons over the age of 65. The full details are not yet available, and it will require an actuarial study and further planning and discussion to reach a possible rollout. Alternatively, a health retirement savings account where the person contributes during their productive years, or the implementation of a national health insurance plan, are some of the conversations we should be having. This requires a sustainable financial arrangement and some tough decisions.

Additionally, Mr. Speaker, I have been in conversations about trying to provide a youth policy for young, healthy persons between the ages of 18 to about 25 years—there is no need for these persons to pay the same as a 35-year-old person. These are some of the ongoing discussions we have been having. Primary health care is an area where I agree more investment should be made to improve access and quality of care through a multi-disciplinary approach with skilled professionals. There are also plans to improve public education, health promotion and prevention of illness.

Mr. Speaker, in January 2017 the Office of the Auditor General released a report entitled *“Ensuring Quality Health Care and a Healthy Population”*. As part of the Ministry’s overall work plan, we intend to move forward with the recommendations of that report, some of which include:

- Updating the National Health Policy and Strategic Plan;
- Review of laws to update the health system legislative framework;
- Strengthen the relationship with private health care providers with two-way communication to develop an effective health care system; and
- Access and determine the capacity required to execute the roles and responsibilities of the Ministry.

Mr. Speaker, as you will notice, there have been many significant achievements made in health care; from an enhanced standard health insurance coverage plan of benefit and a robust regulatory framework for registration and licensing of practitioners and health care facilities, to the removal of limitation and exclusions under the Standard Health Insurance Contract.

The health care system is a multifaceted system with many different stakeholders. It impacts the lives of every resident in the Cayman Islands, and the country’s needs in the area of health are dynamic and evolving. While much has been done to make improvements to the system, by its nature it is work that is never finished, as the needs are ever-changing.

Through continuous efforts and ongoing reviews of the policy and the legislative framework, which are informed by the stakeholders in the system and work such as the OAG report, the Government is aware of the areas of concern and the work that needs to be done.

Mr. Speaker, as Minister of Health, I believe the focus needs to be on providing the resources for getting the work done, and the Government is working hard to ensure that the people of the Cayman Islands have the ability to access the care they need when they need it, to live their best lives. I do agree that the role of CINICO [Cayman Islands National Insurance Company] has to be broadened.

It was part of my campaign promise, to ensure that we create a better atmosphere for the citizens of this country, and I have already given instructions to my staff. I intend to do further in terms of reforming health care, providing quality, affordable care, and stopping the bleeding of health care in this country. After only three months in office, I am satisfied that we are heading in the right direction and I undertake to make the necessary changes to ensure that persons in the Cayman Islands get the quality and affordable health care that is necessary.

For the reasons I have outlined, Mr. Speaker, we are not able to support the Private Member’s Motion to establish a select committee.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak?

The Honourable Member for Savannah.

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

I rise to offer support to this Motion and I am saddened to hear that the Government does not see fit to support it. This is an opportunity across the board to bring together both sides of this House, the insurance providers, the George Town Hospital and the private hospitals because Mr. Speaker, let us face it, being a former health minister, even in my time there were questions, and still are, on the quality of care.

In the run-up to the election, Mr. Speaker, the biggest concern, especially for seniors—and the first ‘Whereas’ the Mover put forward—refers to Cayman’s senior citizens’ access to high quality health care. The next one, and I will read: **“And WHEREAS there is major concern among all Caymanians to the cost and coverage of Health Insurance particularly as it relates to persons over sixty-five years and children under eighteen.”**

I have spent quite a bit of time, especially with the elderly, and for those who already started prior to the change in the Pensions Law, (age 60 and up) their biggest concern as they face retirement, is the ability to pay for health care cost as a senior citizen. Their resources are diminished, and I need not say what

can happen in case of a serious trauma or accident. As we all know, Mr. Speaker, in the Cayman Islands diabetes, hypertension (better known as blood pressure) and cardiology seems to be rampant diseases that we have to deal with, so I am hoping that we can take another look at this.

I always say to the Mover of the Motion that it is a pity that when he was there as a Minister we—including myself—did not follow up when the proposal was done that insurance companies across the board accept everyone in that group whereby those, as they get older, would have the benefits when it is most needed, not when people are less likely to be sick at a younger age; and Mr. Speaker, we know, the different things that will happen as we all get up in age. This is when our seniors most need that health insurance, and it seems to be that once they hit 55 or 60, the insurance companies always find a way to ditch people who have diligently paid their premiums over many, many years.

When it is most needed, Mr. Speaker, it does not happen, so I am encouraging all of those that have any concerns about health care in the Cayman Islands, to seriously look at this. This is not something to play around with. Without help, there are not many other things that we can accomplish and I am begging on behalf of the seniors and I guess I should declare an interest, Mr. Speaker—

The Speaker: All of us.

Mr. Anthony S. Eden: That, as we get older, we need to take care of these people. Make it easier for them to access health care and take the financial burden and relief.

I recently had the opportunity to speak to the head of CINICO and the Finance Minister, who shared with me that consideration is being made to help seniors over 65. I am hoping it can be done in an early manner, but I would certainly encourage all of us to reconsider looking at this in a bipartisan manner for the benefit of all our people, young and old. I offer my support to this timely Motion.

Thank you.

The Speaker: At this time, we are going to take the luncheon recess. We will now break for lunch until 2 pm.

Proceedings suspended at 12:23 pm

Proceedings resumed at 2:31pm

*[Private Member's Motion No. 1/2017-2018
Continuation of debate thereon]*

The Speaker: Proceedings are resumed; please be seated. Debate continues on Private Member's Motion No. 1—Health Care Reform.

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

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

I rise in this House to record my support for the Motion brought by the Honourable Leader of the Opposition. Mr. Speaker, I seconded the Motion because I believe it is timely.

I want to record for my good friend, the Honourable Minister of Health... remind him of something my grandmother taught me from a young age: if fish come from the river bottom and say it is deep, it is deep. Meaning that, while he has been the Minister for three months, my colleague to the right, the Honourable Anthony Eden, has been Minister for Health for more than ten years; I believe the advice he gave this House should have been considered by the Government.

The reason I say that, Mr. Speaker, is that since 1988 the Ministry of Health has been a political departure lounge. The Honourable Ezzard Miller lost re-election in 1992. The only Minister to have been re-elected as the Minister of Health, again, has been my colleague. I think in 2000/2001 or thereabouts, the Honourable Linford Pierson was Minister of Health and he lost re-election. Mr. Gilbert McLean took over from him after that and he lost re-election.

[Inaudible interjection and laughter]

Mr. Christopher S. Saunders: Mark Scotland took over again from my colleague here and he lost re-election. Ossie was the Minister of Health and, again, he lost re-election.

[Inaudible interjection]

Mr. Christopher S. Saunders: No, he was for a brief time before you took it—yeah. Mr. Speaker, the only other survivor is actually the Premier, in terms of passing through that Ministry.

The Speaker: For your information, I was the Minister of Health and I did not lose any election.

Mr. Christopher S. Saunders: No, no, that is different.

[Laughter]

Mr. Christopher S. Saunders: I said who started but did not finish. I stand corrected.

The reason this is near and dear to me, Mr. Speaker, is that in 2006 I had my brush with death. I went to work one day, woke up in the hospital and a couple of weeks after that I was in Cleveland Clinic actually fighting for my life. When the hospital sent me home, Mr. Speaker, they told me I was pretty much

good to go. The Leader of the Opposition came to visit me in his capacity as a friend; he took one look at me and said to my wife, "He is a sick man."

Mr. Speaker, he came to look for me on Monday morning, and by Monday evening we were on our way to Miami. On Tuesday, we were at Cleveland Clinic and they told me I could not see a doctor until Thursday. Right there, on the third floor of Cleveland Clinic, the Leader of the Opposition pulled out his phone and dialled 911 and the ambulance left from one side of the hospital and came around to the other side to pick me up to take me to emergency. That literally saved my life.

Thursday, I had my first procedure, and by Friday I had major surgery, and every morning, when I see the 12-inch scar on my back, I think of everyone who had pneumonia and emphysema who died. Since surviving it, I have taken something—

[Inaudible interjection]

Mr. Christopher S. Saunders: No, I knew I was not going to die—God had plans for me.

As I said yesterday, Mr. Speaker, there are some things in this country that should not be political and I believe that health care is one of them. I think it is something that every single Member of this House has a responsibility to deal with and, despite the Government not accepting this Motion, I just want to state for the record that we still want to work with them on this because it issue is near and dear to me. It is personal.

Just to record, Mr. Speaker, to my good friend the Minister of Health that, despite the political departure lounge in that Ministry, I will still work for him to get re-election if he chose to do so, but I want you to know, my friend, that you are going to need much help with this because despite what you may think, the public—in particular the voting public—has had a different view of that Ministry. As such, I would hate for you to be a casualty—bearing in mind that most of the casualties have been from the District of Bodden Town. I just want to make sure that you do not become a casualty so, for the record, we are still willing to work with you in terms of the reform.

I also want to thank the Government. Yesterday, in the SPS [Strategic Policy Statement] when you mentioned that you are looking to expand the role of CINICO. The reason being, that we did a grave injustice to many people in this country with the way in which we structured our health insurance in that, while we made it mandatory for the citizens of this country to have health insurance, we never made it mandatory for them to sell it to us.

As a person who has been overweight for quite some time, Mr. Speaker, I have seen the discriminatory practices within the different health companies; I have also seen the discrimination towards many senior citizens in my district where, once they

have retired, they have nowhere else to go, to get health insurance, but CINICO.

Mr. Speaker, the purpose of insurance is to spread risk. What we have done, and are doing to the Caymanian people is wrong, in the sense that a person can work from 16 until 65 and pay into a private health insurance for 49 years, when they are young and healthy, and at the time of their life when they are most in need of health insurance, they have to go to CINICO and become a burden to the taxpayers of the country. That, Mr. Speaker, is wrong. What we were hoping for with the reforms, was to find ways in which we can make health care affordable and accessible to everyone.

You see, Mr. Speaker, we in this House have to ask one question: Do we consider health care a benefit, or a right? If we think it is a benefit, then, by all means, leave it the way it is; but if we think it is a right for every citizen of this country, then, we have to do some level of reform and you see it within the Government's own SPS, and even the financial statements. It is qualified today, due to the pension and health care liabilities being in the notes as opposed to the face of the financial statements. In the last two years, if my memory serves me right, the Government health care liability itself moved from \$1.2 billion to \$1.7 billion—and if anyone believes that asking civil servants to co-pay, will fix that \$1.7 billion problem, it is not going to happen.

Mr. Speaker, we have much work to do with regards to health care in this country. The Health Services Authority (HSA) is still the primary provider for health care; it is the Government's responsibility to provide health care, and even though we have private citizens who provide this service, it still does not take the responsibility from the Government. Something we have continued to do in this country is outsource many of the Government's responsibilities to the private sector. In essence, we have privatised profits and socialised losses, and it is something we need to fix.

Despite the Government not accepting the Motion—at the end of the day, the minority or the Opposition will have its say, the majority will always have its way—I just want it said for the record, Mr. Speaker, that we are still willing to work with the Government. If they do not want to have a committee that is fine, but we are still willing to work because it is a responsibility of every single Member of this House.

Thank you, Mr. Speaker.

The Speaker: The Elected Member for Newlands.

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

Mr. Speaker, I rise to give my support to this very important Motion which I also think is timely. I also wish to express my disappointment with the Government for not indicating that they will support the Motion and the recommendations therein.

Mr. Speaker, as my Bodden Town West colleague said, this issue is and should be a concern for all of us, and is one of those issues, like education, that should not become a political subject, because it is critical to so many of our people to have reliable and dependable health care in this country. The most vulnerable among us depend on us to address the issues in our health care industry and to get it right, and I am very disappointed that the Government has not accepted the Opposition's offer to work together to resolve some of these issues.

Mr. Speaker, I have major concerns with health insurance in this country. I know a large number of seniors who are struggling to get proper health care because they cannot afford health insurance; and there are many younger individuals who are paying premiums on a lower level of coverage because that is all they can afford and again, that coverage does not provide value for money.

Mr. Speaker, I have spoken to many private doctors, in particular during my campaign leading up to this election. A number of doctors who live in Newlands met with me and gave me some insight into some of the concerns in the health care industry—and I won't go into those in detail, but I will say that there is a willingness on the part of private practitioners to work with us as well. I was even advised by a group of doctors that they were willing to accept the fee structure that is in place between the HSA and CINICO, so they could start—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Working with CINICO clients as well, to alleviate some of the strain on the government institution.

Mr. Speaker, through my constituents I am aware of concerns with getting medications at the hospital pharmacy; they go in, see the doctor, the doctor writes a prescription and when they get to the pharmacy there is no medication. There are major issues with getting referrals, and I understand sometimes the doctors have to deal with patients who are obviously not medically trained, but feel they need a heightened level of attention that they are not getting at the HSA, and want the referral. Sometimes they do not have a good reason for it, other times they do; but there has always been that issue which my constituents come back and complain to me about, of getting referrals in a timely manner.

Mr. Speaker, when I was the Premier's councillor I recall I had a conversation with some of the Ministry staff about the level of premiums in this country, and what we could do about it. I was surprised to hear the Minister say today that an actuarial study looking into the levels of premiums and level of care provided by these plans is going to be completed, because I was told that such a study would be a huge

undertaking and very expensive and the number of actuaries involved would make it impractical at the time.

I am pleased to see that mind-set has changed, because I will give you an example of what some of our people deal with. Just taking the average basic SHIC Plan for health insurance coverage: routine visits—going to see the doctor for the flu or whatever ails you—I think the annual coverage for that under the SHIC Plan is about \$400 a year. For wellness and so forth, is an additional \$200 a year. For a 30-year old, the monthly premium is \$138. Mr. Speaker, that works out to \$1,000—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: As my colleague said, \$600 a year coverage, yet someone is paying upwards of \$1,200 a year. It means the rest of that money goes into the insurance company's pocket. Same thing if we look at someone who is 65 years of age and over. If they are on the SHIC Plan, they are paying \$167 per month on average—which is about \$2,000 annually—for \$600 coverage.

I don't think anywhere else in the world insurance can be bought, Mr. Speaker, and the person is paying more than the benefits received. Now, I understand there are other benefits thrown in there for emergencies. I am not including those because the average person probably does not have a heart attack every day, but just the general day to day coverage that we depend on—and these companies are licenced by the Cayman Islands government, Mr. Speaker. It means it is our responsibility to get this right. These companies are operating as licenced insurance companies in this country.

Mr. Speaker, I am aware there are issues at the HSA and throughout the medical profession that need to be addressed with urgency. We have too many senior citizens who are uninsured or can't afford insurance, and who do not get routine medical care to prevent catastrophic health incidents from occurring. I have to join my Bodden Town West colleague to implore the Government to consider this as something on which this entire House can work together.

The Premier said yesterday that the Opposition's job is not just to complain; that we should put forward useful solutions and suggestions. This is one, Mr. Speaker, and it escapes me why the Government does not grasp this opportunity to work across both sides of this House to get this right. Too many of our people depend on this and depend on us, Mr. Speaker.

Again, I am disappointed that the Government has decided that this side of the honourable House has nothing useful to contribute, but we will continue to advocate and push for reform and change in this area. I hope that, as the memory of the election fades

and time moves on, that attitude will also fade and there will be a more open approach to working on issues such as this, which I consider of national importance. None of us are here to play politics with health; we all want to see it done properly, Mr. Speaker.

With those short words I again offer my support for this Motion, and ask all Members of this House to consider supporting it. It is critical that we demonstrate to our constituents, and those who put us here, that we are taking this seriously—politics aside.

Thank you.

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

The Honourable Premier.

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

Mr. Speaker, as I listened, I wondered whether Members of the Opposition had fallen asleep while I was delivering the Government's contribution to the Motion to adopt the SPS for I devoted, on behalf of the Government, a significant part of my contribution to explaining the Government's plan with respect to health care improvements and access to health care. The Government has a plan, Mr. Speaker.

I have been around this process long enough to understand that if you send anything to a select committee, you commit it to abject failure. In the almost seventeen years I have been here, I have never known of one select committee to complete its work and produce a report that ever resulted in anything, and I am not going to hasten my Minister of Health's departure, as his friends on the other side seem to suggest they want to happen, by tying his and the Government's hands being held to ransom by a select committee.

In the meantime, he, as Minister of Health, will be required to do nothing for the year, or more, it takes that committee to sit and chat—if it ever meets, for getting a quorum for a select committee... It is legendary; those of us who have been here for a while understand how these things work. If the Opposition really wants to prevent a Minister from getting something done, they force him down the road of a select committee. The work of the committee is supposed to carry on, and that particular issue and subject never ever gets addressed by the Minister.

We have a plan, Mr. Speaker. We more than welcome what the Opposition has to say by way of contribution to it, but we are not going to be held to ransom by a select committee. We are charged with the responsibility; the Minister, in particular, is charged with the responsibility for Health and he will be taken to task by the Opposition and the broader public when things do not get done. The Opposition will take no

responsibility for that. We understand very well how serious this matter is; we do understand it is a matter of national importance and priority, and we are going to get on with the business.

Mr. Speaker, our views about health care on this side, in some ways are diametrically opposed certain to those that I have heard proposed by the Leader of the Opposition over many years. We do believe, Mr. Speaker, that Health City is a critical and integral part of our health care apparatus. We are not going to support proposals which aim to lessen its importance in the system or perhaps, ultimately, to close it down. We are not going to dismantle the Health Practice Law and create more hurdles for doctors, and medical personnel generally, being able to get registered and practice there—all of which I have heard proposed at one point or another by the Leader of the Opposition over the last eight-plus years.

Mr. Speaker, you will begin to understand some of the concerns that the Government has, when we hear a Motion such as the one being proposed by the Leader of the Opposition. I know, Mr. Speaker, that at one point he was Minister of Health and apparently subject to the same syndrome that tends to affect most Health Ministers, and thus ushered out of the departure lounge and that he is a trained and experienced pharmacist and, indeed, has qualifications in hospital administration. I am not, for one moment, seeking in any way not to accord him the respect he is due at that experience and education, but I am saying that in terms of policy we appear to be diametrically opposed on some levels.

We are the Government for the time being, and we reserve the right to be able to make these critical policy decisions albeit with whatever input we are able to obtain from the Opposition, or indeed, other experts in the medical field, for neither the current Minister of Health nor myself, the previous Minister of Health, have any qualifications in this field.

I believe what we are qualified to do on this side, based on advice, is to make judgements about the direction that we should move in terms of the continued development of health care and as important, if not more so, access to health care by a broader cross-section of the Caymanian community. We are, therefore, working on both fronts: how we can expand and make health insurance more affordable to the vulnerable in the community and, indeed, to the other demographic which is currently excluded from CINICO coverage—the young and healthy who are not civil servants or public servants and automatically subject to CINICO coverage.

As I said, I spent some time in the contribution I made yesterday, explaining the Government's plans in that regard. I would invite the Opposition to spend a little more time studying what the Government is saying, and say to them that they can look forward to more detailed proposals and position when we come

to address the Throne Speech and the Budget Address.

I wish to assure the listening public, and the House, that the Government is giving this very urgent attention; what we are not prepared to do is to have our hands tied by a select committee, when we are already well on the way to having the necessary discussions and moving the process along. I invite the Opposition to make any written proposals they wish. If they wish to sit on a committee with us to talk about these issues, we are more than willing to, but the formal process of select committee, and all it entails is not one that the Government is prepared to accept.

I thank you, Mr. Speaker.

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

Does the Mover wish to reply? The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, it never ceases to amaze me how the PPM Government can react to sensible proposals.

What does this Motion propose?! It proposes a select committee. How is the select committee made up? Four Members from the Government and two Members from the Opposition. What would the quorum of six people normally be? Four. The Government could meet in the select committee and do its work even if nobody from the Opposition showed up; but we hear all of these red herrings about how select committees are non-functional and how select committees can't possibly—especially in that case and I am going to get to the select committee on the separation of Parliament recently.

Mr. Speaker, you will recall some of the best legislation produced in this country was done through the select committee process. The great and promising changes to the Immigration Law came out of a select committee of this House of which the current Premier was a vocal member but, more importantly, what would a select committee bring to this problem, which does not exist now?

- It would bring focus, and the public would be able to hold us responsible and we would not be able to blame the civil servants because it did not happen;
- It would bring urgency to solving the problem, because there is a deadline in the Motion—30th June 2018;
- It would bring commitment from both the Government who has a majority on the select committee, and the Opposition—even though they have the minority—to put in place the legislation, policies, procedures

and resources to implement those things, which no Ministry can bring.

Since the Premier believes that anything done by select committee is an abject failure, I could spend the better part of two hours pointing out all of the good legislation that came out of select committee when parliamentarians were willing to come to the select committees. When they were willing to participate, and we allowed stakeholders to come to the parliamentarians and present it and they could not cut little private deals behind corners because of their own personal and private profit incentives to get certain changes to these health care legislation, particularly, health insurance.

Mr. Speaker, let us look at what the current system that has been relied on has generated over the last ten years. Let's take a look at it. The Minister of Health said that things are okay, and we made all kinds of good changes in 2013. What are the results of those changes? I stood in this Legislative Assembly and cautioned the Government about the changes and what the potential problems were going to be. I predicted the changes they were making to the Health Insurance Law in 2013 would drive up premiums and reduce coverage—they dismissed it.

The Premier says that in the last eight years I wanted to close Health City. I wonder where he got that from? Remember now, his profession is a lawyer, so they have the ability to argue both sides and whatever side you pay them to argue is what they will argue, very effectively. In fact, their success is judged by their ability to argue whatever side they are paid to do so, I understand his argument—but you can't twist facts. I never opposed the introduction of Health City.

What I said is that we have to be careful and it should not have exclusivity and I always use the reference, *imagine if when we launched the dive and tourism industry, we had to give Bob Soto all the concessions he could possibly get and exclusivity, where do you think the dive industry and tourism would have gone?* Or, if we had given W.S. Walker exclusivity in the financial services. My position has always been: it is open and competitive.

I will say publicly that Health City does some good work; it has helped many Caymanians. I will also say, that it is not all as kosher as they spend every Monday on the radio making people believe! They claim they have 100 per cent success. I would argue otherwise. If you doubt me, ask James Parsons who works at the Port; ask Bo Miller; ask Bing Thompson, and I could go on.

The problem we have with Health City is the government's inability to have any oversight or any regulatory authority over what is done there and we are eventually going to pay the price through lawsuits by non-Caymanians because we cannot do that, you know, just give it time; but the worse the Premier could ever accuse Ezzard Miller for is wanting to dis-mantle the Health Practice Law. Me, who have spent

my whole life trying to improve the standards of health care in this country. Anything—anything—that happened in this country concerning improvements to health care, particularly on the regulatory side of it, post-1974, got my footprints around it somewhere. I wonder if the Premier can say the same thing about the legal profession.

Mr. Speaker, you know—you were the Premier. I stood here and opposed the barn door that was being kicked into the side of the Regulatory Authority to facilitate Health City. I told the Minister of Health it was the worst piece of legislation I had seen come to this parliament in my tenure here, in terms of what I believed it had the potential to do to the regulatory regime for health care in this country—and there was no need to do it.

I am confident the doctors who work at Health City could pass any exam that we required them to do, to be registered under our Regulatory Authority. They could have simply gone and done the Caribbean Association of Medical Councils (CAMC) exam. The only thing that could have been any barrier to them would have been the language, and if you cannot speak enough English to pass the exam, I would question whether you can speak enough English to practice in an English-speaking community; your total market place is English communities—meaning the United States and Canada.

Mr. Speaker, the hard cold fact is, the reason I brought this Motion is because the Auditor General and the health care professionals in this country (not me!), say that the administrative staff in the Health Ministry are incapable and unqualified to put the necessary policies and procedures in place to bring about the kinds of changes that need to be done. What was their response to this document? It is obvious that the Members of the Government have not read it. I suggest that *unna* read it over the weekend, because all of *unna*, like me, are getting to the age where you all are going to get sick and *unna* want to know, when you *unna* go there with *unna* CINICO card, *unna* stand a chance.

Their response to most of the recommendations were “recommendation noted”. We had public hearings and they came here. We gave them the opportunity to defend it. It went so bad, that the Deputy Governor went to one of my committee members and accused me of setting up the staff. That I should bring them back to give them an opportunity to defend it again.

An Hon. Member: Me.

Hon. D. Ezzard Miller, Leader of the Opposition: I told him to be careful, be careful.

Now, Mr. Speaker, let me tell the Premier and his Government: I have sat here for eight years as a health care professional and left the Government alone to bring forward solutions and improvements in

health care. I *jug* ‘em every now and again in Finance Committee—that is what Roy said, right; and I *jug* ‘em in the budget debate to encourage that they should look at this and that and when they bring it here, I provide critical analysis and constructive criticism. Those days done!

Every Meeting of this House that occurs, I will be bringing Motions to improve health care in this country. The Premier says out of—how many pages was his speech? Twenty-something? He got a half page on health care.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: It is no more than half page on health care; it is a bit more about CINICO and a bit more about a couple of things—no specifics.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: I could put plenty specifics on it, but I left it for your Government majority to come up with ideas and if I happen to be recommended by the Opposition to be a member, I would offer constructive criticism on what they are bringing; but here is what the Minister of Health said, that worries me—he lauded the fact that the changes to the 2013 SHIC Plan were so good.

They removed the \$25,000 episode of sickness that they introduced to improve the profits of the health insurance industry because they limited it—I don’t know how they determine what an episode of illness is. That is a very strange thing in health care vernacular, particularly in the payment regimes and stuff in the field—right? But it is similar to the insurance introduced to Caymanians to shaft them after hurricane Ivan, you are “underinsured”; similar kind of thing. It is as the old people say, “You understand where I am coming from? You understand how they’re fooling *unna*?”

He said the needs are being met. I will tell the current Minister of Health, because it was not him who brought them, that all of those changes are nothing more than window-dressing and smoke and mirrors. You heard the Deputy Leader of the Opposition, the Member for Newlands, tell you the numbers he got from a local insurance provider today—I was here when he made the phone call. That is what the Government considers a great improvement in health care. The only benefit you will get out of that plan is if you happen to be hospitalised but normally, in health care administration and, in particular, those people who should be responsible for policies and procedures in health care, try to reduce hospitalisation. The more they can treat as an outpatient, the better it is.

Let me give you two instances that were brought to my attention recently, of what that plan does to people. A doctor prescribed blood pressure

medication for a patient, he went to the pharmacy and did not have the co-pay. The pharmacy refused to give them the medication. Two days later, no blood pressure medication. They burst a blood vessel in the brain and were brought into the emergency room. Cranial burr and all sorts of stuff; \$50-75,000 expense, versus \$10 to \$15 for the co-pay. Is that what the Government is satisfied with?

I will give another example: A doctor discovered a lump in a lady's breast. Referred her to the surgeon and surgery is scheduled to remove the lump for biopsy purposes. He told the patient that her co-pay was \$900. She said she did not have \$900—now, mind you, the insurance is paying the balance of it which is 80 per cent—she could pay \$200 a month. No, they can't accept that. A couple of weeks later when she could afford the co-pay, she got the surgery and the lump was cancerous. It happened. No urgency. We do not need a select committee to focus on this.

The Minister mentioned the National Health Policy and Strategic Plan; four years, the Ministry took to put this together. It was tabled 13th March 2013, and the plan expired this year, 2017. We were told that in Public Accounts Committee; if you read the report you would see the answers in there. The Minister says they are going to review it. I said, *what are you going to review? Are you going to review what is proposed in it, because you can't review the implementation?* Don't have any implementation plan. Tabled in this House is the solution to the problems. They are going to review it in the latter part of 2017.

They said they are going to add personnel to the Health Practice regime so they can get the work done. I believe the Health Practice Commission has been asking for staff for at least three years and they are still talking about adding them, yet the Premier says it is Ezzard Miller who wants to destroy the Health Practice Law.

[Inaudible interjection]

Mr. V. Arden McLean: Yet you were the Minister for the last three years.

Hon. D. Ezzard Miller, Leader of the Opposition: Oh, I know, I know. That is why he replied. I am going to get to that, don't worry. I haven't gotten there yet.

Mr. V. Arden McLean: Drink your water and—

Hon. D. Ezzard Miller, Leader of the Opposition: I don't need any water. I got my salt in my pocket; you don't see me licking my finger—again, if they knew anything about medicine they would know the last thing they should do for dry throat when speaking, is to drink water, because it washes away what little saliva the body produces. You would be much better off if you dipped in a few grains salt and put on your

tongue which would stimulate the saliva to produce more liquid.

The Speaker: Good to know, but that is not in the Motion.

[Laughter]

Hon. D. Ezzard Miller, Leader of the Opposition: Mr. Speaker—

Mr. V. Arden McLean: What is he doing now anyhow?

The Speaker: I am trying to keep everything balanced and the Motion does not talk about—

Hon. D. Ezzard Miller, Leader of the Opposition: Yeah, but your balance is kind of leaning the other way, so just—

The Speaker: No, no.

Hon. D. Ezzard Miller, Leader of the Opposition: Okay. All right.

The Speaker: I don't know where this thing about saliva came in at.

[Laughter]

Mr. V. Arden McLean: The same way—

Hon. D. Ezzard Miller, Leader of the Opposition: Obviously you were not listening because I preempted the statement by saying "if they knew anything about health care" but, anyway...

The Speaker: Carry on Member, please.

Hon. D. Ezzard Miller, Leader of the Opposition: Yeah, don't worry. I've been here long enough to know the tactics of disruption and what they hope to achieve, but not this evening—calm, calm, calm.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: I don't need any water.

The Speaker: I just hope you are not saying that the Chair is trying to disrupt.

Hon. D. Ezzard Miller, Leader of the Opposition: I hope I did not hear correctly from the Minister of Health—that he is looking at a special health insurance plan for the healthy youth because they should get a reduced premium because, Mr. Speaker, that

would completely destroy the whole precept and concept of health insurance.

The problem we have right now in this country, particularly with CINICO, is that government only insures sick people. The health insurance legislation that was passed in this House in 1992 made it clear that they could only sell group insurance [but] it was repealed. The one passed in 1998 kind of indicates they should sell group health insurance, but what the insurance companies actually sell, is individual plans discounted through marketing and discount for numbers—two different things.

When you do group health, you insure the healthy people, usually the younger people in the workforce, and the premium is equated across so that the young people help bring down the premium for the older people, because you are going to get old at one time too and somebody younger is going to be paying a premium to help your premium come down. However, you see, somehow we believe some of us are going to be frozen in time and we are not going to get old. That would be even more disastrous than any of the changes made to the Health Insurance recently with the Premier being responsible for Health.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition:

The Minister of Health said the current registration and regulatory system is very robust. I agree with him, but there are changes that need to be made to that regulatory regime to keep it up to date with what is going on in the medical field.

When those laws and regulations were written in the 70s, 80s and 90s, most Caymanians who did medicine went to the University of the West Indies (UWI) and did an MBBS, which usually included a minimum of three years of clinical work, and came back licensed as a General Practitioner (GP).

In modern day medicine, because of the demand for spaces in the medical programme in particular at the University of the West Indies, the university is no longer able to provide space for Caymanians to do those clinical services and instead of us accepting offers made by eminently qualified Caymanian doctors—persons like Dr. Neely Panton, who has full professor status at Vancouver General and Vancouver University and who offered, in writing, to assist this Government to train Caymanians...

I don't know whether they turned him down because to the best of my knowledge he has not gotten a reply, but we have ten Caymanians at the HSA begging for assistance to specialise because you see today, when one gets an MBBS in the medical field it is looked at like A-levels in biology and zoology used to be looked at in the 70s and 80s. You are now prepared to enter medical training for specialisation, because in most countries even GPs now require spe-

cialist training and board certification—but what are we doing?

We tell Caymanians to go and apply for a \$20,000 scholarship, and it is their responsibility to get board-certified. In the meantime, the HSA pays \$900,000 for six apartments to house locums, mostly specialists, coming to visit to do the work that qualified Caymanians could be trained to do, for less than \$100,000—but we are okay with that as a Government.

The Minister just Tabled the June, 2016 Financial Statements for the HSA. The Public Accounts Committee reviewed the 2014 and 2015 Financial Statements last year, and one of our recommendations was that, as a matter of urgency, they clear up their provisions for bad debt. Gross Accounts Receivable \$122,324,869—from a 104-bed hospital.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition:

Some of it; and this statement says \$94 million, *up* from \$78 million in 2015.

In a country that has compulsory health insurance, and the government has more little votes in its annual budget to subsidise this place than you can shake a stick at. We have votes for uninsured, for people whose insurance ran out, for indigents, and the civil servants are handled through CINICO. The health insurance premiums in these accounts for the HSA, which I believe have some form of self-insurance and above a certain level they buy health insurance, [is] \$2,517,568. How many staff do they have there? It is a 104 or 120-bed hospital, if we stretch it to the absolute limit. Twenty senior managers?

According to these accounts, it looks like they mark-up medication for Caymanians 400 per cent. There is \$11 million in cost and \$22-plus million in income. You go to the pharmacy—and Mr. Speaker, I do not talk if I don't know. I go and experience these things for myself, because when people make these kinds of complaints to me, I think it is impossible to believe that in this day and age such things are happening to people.

I happened to be in town one day and met my father at A.L. Thompsons and he said he needed to get some medication for my mother and as he was going to Rotary, I said, *Give it to me; I will go to the hospital and get it.* I got to the hospital and walked into the pharmacy and there were three lines. I went and got into the first line and handed in the bottles for refill.

I was asked, *Do you have her card?*

No; but it is a refill, so you must have it in the system.

Well, that is not the way it works here.

Okay, I suggest you go and find it in the system, because I came to get the medication.

They went in the back and came back and said: *Yes, we found it.*

Okay, you can review it? Yeah.

No, no, sir, you have to get in the other line. I came out of that line and got in the other line. Now, these lines are two feet apart. I handed in the prescription and the pharmacist looks at me and says, *Sir, can you come back tomorrow?*

I said, are you mad?

What do you mean sir?

I said, did you look at the medication? It is insulin for a diabetic. I want it and I want it now some senior citizens in the back: Ah ha, unna ga unna match ya today; so I turned and asked, *well, how many hours have you all been waiting on your prescription?* Some of them were waiting four or five hours for their prescription to be filled because they do not have transportation to go to North Side or East End and come back. Mind you, I think I counted four people in the back, filling prescriptions. I looked at the lady and said, *when I ran this place, if a pharmacist could not fill a prescription in 10 minutes I fired him,* so I am here and I want my mother's medication, and I am not leaving until I get it and it's a huff and a puff.

Understand now, that this is not like the days when I worked at the hospital where we had to buy medication and tablets in bulk and had to count them out every time and we had those little triangle counters that we had to shake them. We knew if we had five in one set, exactly how much that worked out to—right? This is all pre-packaged, some of it mostly in Spanish, and all they have to do is stick the label on it, so I stood there and saw the person who came to take the medication from me give it to another person at another window two feet away. He said, *No, sir, you have to get in that line to receive it. Oh, okay. Well, I can reach you from here, you know. No, no, no, sir, you have to go and get in that line. Okay.* I got out and went in the line, got the medication and went home.

The fundamental problem at the HSA today is that the Chief Operating Officer, the Chief Financial Officer, and the Chief Nursing Officer believe that the doctors are there because of them, and not the other way around; that they are there to provide support and resources and materials for the doctor to deliver health care. You think you are going to get the kind of evolutionary and revolutionary solutions to health care that we need, which I spoke about yesterday, from those people?

However, I will leave it alone; I am going to leave *unna* alone. Trust me, when you all bring it here, I am going to tear it apart and I am going to tear it apart out there on the street. From this moment on, you all can consider me an advocate for changes in health care in this country; and since you all will not do it in a select committee, where we can work together on it, I will do it out there publicly because it has to be done. The people of this country deserve better than they are getting for the millions of dollars in taxes they are paying for it! And it is our responsibility to do something about it!

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition:

They have not done it so far, because if you believe all that I just talked about is good health care, God help this country.

Mr. Speaker, they do not consult the very people it is going to affect. They come up with this hare-brained scheme. You can't carry your medication containers to the clinic the day before, and when the pharmacist comes to East End, North Side, or Bodden Town, he fills it; and if you can get transportation to come back that day, or get someone to pick it up—or the nurse could deliver it to your house when she comes for a house call. They made a rule that such cannot happen.

For about six weeks you could not go to the North Side Clinic to get medication, unless the pharmacist and a cashier were there, which only happens on Tuesdays and Fridays. The nurse who does home visits and finds your medication containers empty or about to expire the next day was told she could not bring them to the clinic to get the pharmacy to fill them. Why? For financial reasons. Hello? All of these people are free. All the people that those stupid rules are being put on are free! Well, I managed to get that changed but, again, this is the kind of rationale, the kind of genius, that exists currently.

Mr. Speaker, I was hoping we could put together a select committee of this House which could have brought the focus, the urgency and the commitment, to doing something about health care and I am truly, truly disappointed that we are not taking that opportunity to do so, but we will see what they succeed in doing with the promises for health care.

Remember all of what they promised there. Somehow, the Minister of Finance is going to do with that \$54 million additional expenditure what Jesus did with the two fish and five loaves, because it is going to take that kind of miracle for you all to get 40 per cent of the wish list presented yesterday in an EPS that says next year you are only going to spend \$54 million more on the current expenditure than we spent in 2016, you know.

The Speaker: Honourable Member, how are you relating that to the Motion for Health?

An Hon. Member: Go to the vote.

The Speaker: Gladly.

BE IT THEREFORE RESOLVED THAT this Legislative Assembly considers establishing a Select Committee of six members, four from the Government, and two from the Opposition, to review the current policies and Legislation governing Healthcare and make recommendation as to ways to improve both accesses to and quality of healthcare

while reducing the cost to consumers before June 30, 2018.

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

AYES and NOES.

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Mr. Speaker, may we have a division, please?

The Speaker: Clerk, divide.

Just to make certain, I thought I heard more Noes, so we will have the division.

Division N° 2-17/18

AYES: 6

Hon. D. Ezzard Miller
Mr. Alva H. Suckoo, Jr.
Mr. Anthony Eden
Mr. V. Arden McLean
Mr. Kenneth V. Bryan
Mr. Christopher S. Saunders

NOES: 9

Hon. Alden McLaughlin
Hon. Juliana Y. O'Connor-Connolly
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart
Hon. Joseph X. Hew
Hon. Tara A. Rivers
Ms. Barbara E. Connolly
Mr. David C. Wight
Mr. Austin O. Harris

Absent: 3

Hon. Moses I. Kirkconnell
Hon. Bernie A. Bush
Capt. A. Eugene Ebanks

The Speaker: The result of the Division is as follows: 6 Ayes, 9 Noes and 3 Absentees. The Motion is negated.

Negated by the majority: Motion No. 1 2017/2018—Health Care Reform failed.

The Speaker: We will suspend and take a short break at this time.

Proceedings suspended at 3:45pm

Proceedings resumed at 4:25pm

The Speaker: The Assembly is now in session; you may be seated.

**PRIVATE MEMBER'S MOTION NO. 2/2017-2018—
CUSTOMS DUTY ALLOWANCES
FOR CAYMANIANS**

The Speaker: The Honourable Leader of the Opposition, the Member for North Side.

Hon. D. Ezzard Miller, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I beg to move Private Member's Motion No. 2 of 2017/2018—Customs Duty Allowances for Caymanians.

WHEREAS the Customs Law allows the following items to be brought into the Cayman Islands duty free by all arriving passengers over the age of 18 years:

1. 1 litre of potable spirits
2. 4 litres of wine
3. 1 case (not exceeding 8 litres) of beer
4. Up to 200 cigarettes
5. Or 100 cigarillos
6. Or 25 cigars
7. Or 250 grams of tobacco;

AND WHEREAS the Customs Law also allows that residents returning from a visit overseas may bring with them dutiable or house hold articles at the discretion of the Collector up to the value of CI\$350.00;

AND WHEREAS the Customs Law also prohibits the importation of spear guns and spear gun parts;

BE IT THEREFORE RESOLVED THAT Government considers amending the Customs Law to provide that all passengers over the age of 18 years may bring with them into the Cayman Islands the following:

1. 4 litres of potable spirits
2. 4 litres of wine
3. 4 cases (not exceeding 32 litres) of beer
4. Up to 400 cigarettes
5. Or 200 Cigarillos
6. Or 50 cigars
7. Or 500 grams of tobacco;

AND BE IT FURTHER RESOLVED THAT the Government consider amending the Customs Law to provide that Caymanians returning from a visit overseas may bring with them dutiable or household articles up to the value of CI\$700.00.

AND BE IT FURTHER RESOLVED THAT the Government consider amending the Customs Law to allow the importation of spear guns and spear gun parts by Caymanians over 18 years of age under license from the National Conservation Council.

The Speaker: Is there a seconder?

The Elected Member for East End.

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

Mr. Speaker, I beg to second Private Member's Motion No. 2/2017-2018.

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT Government considers amending the Customs Law to provide that all passengers over the age of 18 years may bring with them into the Cayman Islands the following:

1. 4 litres of potable spirits
2. 4 litres of wine
3. 4 cases (not exceeding 32 litres) of beer
4. Up to 400 cigarettes
5. Or 200 Cigarillos
6. Or 50 cigars
7. Or 500 grams of tobacco;

AND BE IT FURTHER RESOLVED THAT the Government consider amending the Customs Law to provide that Caymanians returning from a visit overseas may bring with them dutiable or household articles up to the value of CI\$700.00.

AND BE IT FURTHER RESOLVED THAT the Government consider amending the Customs Law to allow the importation of spear guns and spear gun parts by Caymanians over 18 years of age under license from the National Conservation Council.

The Motion is open for debate. Does the Member for North Side wish to speak thereto?

Hon. D. Ezzard Miller, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, this Motion is fairly straightforward. It simply seeks to double the amount of liquor, cigarettes, cigars and tobacco that all passengers over the age of 18 will be allowed to bring into the Islands.

Further, the Motion recommends a change where the Customs Law now provides that all residents returning from a visit overseas may bring with them dutiable or household articles at the discretion of the Collector up to the value of CI\$350. It proposes that the Government consider amending the Customs Law to provide that Caymanians returning from a visit overseas may bring with them dutiable or household articles up to the value of \$700.00.

The resolve section does two things, Mr. Speaker. [First,] it doubles the value persons can bring back with them. This Motion is aimed at single parents and other Caymanians who normally make a trip during summer and combine it with shopping to buy school supplies, clothes, et cetera, for their children.

Mr. Speaker, I believe you and I might have been involved way back, a long time ago, when it was increased from \$150 to this \$350, because it has been a substantial time since that has been done. At that time, in the '80s, \$350 was a lot of money. If you went into a department store in Florida at that time and bought \$350 worth of stuff, you would probably need to rent a pick-up truck to carry it to the airport. Today, if you go into one of those department stores and buy

\$350 you can bring it out on your thumb, usually in about two bags.

The reason that I am suggesting we restrict it to Caymanians and not all residents is that there are residents here, particularly in the upper economic bracket who travel quite frequently. Ten, fifteen, twenty trips a year would not be unheard of for some of these people; and, while they can bring back the liquor and the cigarettes as duty-free items, I don't think they should be allowed to bring back dutiable items up to \$700.

It is not very difficult to determine who Caymanians are; you get to Customs, you present your Cayman passport—and I know in the past, when this Motion was brought, the Government's argument against it was that there are people who have Caymanian passports who are not Caymanians. Well, they may need to find out who they are and take the Cayman passports from them, because one way to be identified as a Caymanian, is to have a Cayman passport. I don't know whether there are thousands of people out there, who have Cayman passports and don't qualify for them.

Mr. Speaker, the last resolve deals with the matter of spear guns. As you would be aware, one of the amendments we managed to get into the National Conservation Law was for the National Conservation Council to licence Caymanians to use equipment whether it is spear guns, seines, nets, et cetera.

The current situation is that we have many Caymanians who have spear gun licences, and they have to do much jerry rigging to get them to work, which is dangerous both to the person using the spear gun and to people swimming with them. Nobody can make me believe that the rubbers on spear guns that were licensed (I think 1986 was the first Marine Park's licence) are still good today, so obviously, the people at DOE who are re-licencing these spear guns every year are turning a blind eye to people getting parts for the guns.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Well, we know how they operate; you only got to look at Joseph (Joe) Imparato at Rum Point quite recently. Mr. Speaker, it is a very straightforward Motion and I recommend it to the House for support.

The Speaker: Does any other Member wish to speak?

The Honourable Minister of Finance.

Hon. Roy M. McTaggart, Minister of Finance and Economic Development: Thank you, Mr. Speaker.

Mr. Speaker, I rise on this occasion to reply to the Private Member's Motion on behalf of the Government in my capacity as Minister with responsibility

for Finance, with Customs being one of my subject matters.

Mr. Speaker, the Motion before us seeks to have the Government consider amending the Customs Law in three respects: first, to increase the amount of alcohol and tobacco that passengers may bring into the Islands as duty-free by, as the Mover said, doubling it. Secondly, to increase the \$350 duty-free exemption that all passengers presently enjoy to \$700 for Caymanians only; and thirdly, to allow for the importation of spear guns and spear gun parts by Caymanians over the age of 18, under licence by the National Conservation Council.

Mr. Speaker, for the sake of convenience, I will deal with the first two recitals as one, since they broadly refer to the exemptions allowed to residents returning home from overseas travel, and I will deal separately with the recital calling for the importation of spear guns and spear gun parts.

Taking the first two recitals, increasing the duty exemption and duty-free allowances as proposed in the Private Member's Motion will serve to do one thing, and that is, to encourage Caymanian and resident passengers who can afford to travel, to shop overseas as opposed to shopping at home and supporting the local economy. It is not a policy that the Government embraces and wishes to pursue. The additional outflows of money out of the economy would only serve to add to the already large current account balance of payments deficit this country experiences, which in 2016 was estimated at some \$692 million or 23.6 per cent of the country's GDP.

Mr. Speaker, the segment of our economy that would be most affected by this is the wholesale and retail industry, particularly small retailers who would in all likelihood see a decrease in the demand for their goods. As a result, what we are likely to experience is that the supply and availability of goods locally could contract and prices would increase as retailers seek to mitigate the effects of a reduction in the demand and sales and ultimately their profits.

The potential impact on the local economy could be significant as local wholesale and retail businesses may not be able to service the reduced demand, and this could affect their current operations. What it could put into jeopardy, too, is the number of Caymanians employed locally; presently, the wholesale and retail industry employs 4,881 persons.

Mr. Speaker, the unemployment rate reported by the Economic and Statistics Office (ESO) for Fall 2016 showed there were 1,785 persons, or 4.1 per cent of the labour force, who were unemployed. Of these unemployed persons, 205 or 11.5 per cent were seeking employment in the wholesale and retail industry. Such a move could undermine the health and viability of the industry and the 4,881 jobs.

Now Mr. Speaker, I believe the industry already struggles to compete against nearshore shopping meccas like South Florida. Our policy is, and has

been, to encourage residents to shop at home. Keep the money in our economy and not send it abroad, thereby supporting the local economy and local employment.

Mr. Speaker, the duty allowance of \$350 per trip, while it has been in place for many years, is not out of line when compared with the duty allowances in other jurisdictions. For example, in Jamaica the duty allowance is US\$500 per trip; in Antigua it is \$260; Turks and Caicos it is \$400; Bermuda is \$200 while in the US and Canada it is \$800 for residents who are out of the country for more than 48 hours. In the United Kingdom, the duty-free allowance is £390 for trips outside of the European Union.

It should be noted and not overlooked that these countries all have some form of direct taxation as a predictable and stable revenue base. The Cayman Islands does not rely on direct taxation and depends exclusively on various sources of indirect tax revenue in order to ensure that no one source is over-taxed. Mr. Speaker, due to the potential adverse effect on local merchants and the local economy, jobs within the wholesale and retail sector, and the generous amount of our duty allowance when compared with other jurisdictions, the Government is unable to support the proposal to increase the duty allowance for Caymanians and residents as contemplated in the Motion.

Mr. Speaker, if I may now turn to the third recital of the Private Member's Motion dealing with spear gun and spear gun parts, I am pleased to say that this resolution is one that the Government is prepared to accept—that is, to consider amending the Customs Law to allow the importation of spear gun and spear gun parts by Caymanians over 18 years of age under licence from the National Conservation Council.

Mr. Speaker, it is my understanding that the Customs Law does not specifically prohibit the importation of spear guns and spear gun parts, so what we would need to do is to consider closely what amendments, if any, are necessary, but we will also have to—

The Speaker: Honourable Member, if you are going to be much longer, I will ask for the suspension of Standing Orders.

Hon. Roy M. McTaggart: Two minutes.

The Speaker: Two minutes?

Hon. Roy M. McTaggart: Two minutes, if you will allow me.

We will also have to work closely with the National Conservation Council, which I am told and understand is developing a spear gun licencing regime that is compliant with section 22 of the National Conservation Law. The DOE has advised that the National

Conservation Council is awaiting legal advice on whether their position and recommendations for the licencing regime are fair, proportionate and reasonable before they will seek approval for implementation of the regime from Cabinet. It seems clear to me that the NCC is well down the path to developing the regime that will govern the licencing of spear guns, and we await their proposals.

Mr. Speaker, In conclusion, in asking us to do these three things, the first two resolve, dealing with duty-free allowances, we cannot accept. The third, dealing with spear gun and related parts and the licencing thereof, we can and do accept.

Mr. Speaker, as we get down to the end of the debate on this, what I would ask is whether you would consider putting each of the resolutions to a separate vote to facilitate the rest of the Motion. With those comments, I conclude my response remarks on behalf of the Government.

The Speaker: Thank you.

I call on the Honourable Premier. We have past the hour of 4:30 pm.

SUSPENSION OF STANDING ORDER 10(2)

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

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

The Speaker: The question is that Standing Order 10(2) be suspended to enable the business of the House to continue beyond the hour of 4:30 pm.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: As the Minister of Finance has requested, I intend to ask for a vote on each of the resolve sections of the Motion.

Does any other Member wish to speak? The Elected Member for George Town Central.

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

I rise to give my support to the Honourable Opposition Leader in respect of the Motion that calls for the doubling of spirits, wines, beers, cigarettes, cigarillos, cigars and tobacco, as well as the increase in the duty allowance from \$350 to \$700.

I would like to take this opportunity, Mr. Speaker, to refer to the manifesto I campaigned on for

George Town Central. In my manifesto, on page 10, I committed to the people of George Town Central that I would advocate for them to support the increasing of import duty allowances for re-turning residents from \$350 to \$500.

Now, Mr. Speaker, I understand that this Motion talks about \$200 more than what I campaigned on, but the premise of it and where it came from is the fact that there are many Caymanians who are simply finding it rather difficult in this current market of cost of living in the Cayman Islands. If they were lucky enough to have the opportunity to get on a plane and go somewhere where there are products available that may not be available in the Cayman Islands, they would like to take advantage of it up to a certain price. Now, Mr. Speaker, I want to agree tremendously with the Opposition Leader in respect to the fact that the amount of \$350 was established many, many years ago. Although I have the information of when that was established, I might have been a bit of a pup at that stage—that is how long ago it was.

However, Mr. Speaker, I assume it was established at a time where the cost of living was significantly less than it is today, so whatever reasoning we used at that particular time to allow Caymanian people \$350 to get the little extra things they needed while abroad, I don't see why the Government today cannot consider that, in relation to the cost of living, the prices that have increased over the years, they would not put that back into a balanced ratio today. Now, I think \$500 was reasonable.

Now, in my manifesto I did not campaign, Mr. Speaker, on the facts of wines and spirits and cigarettes because I do believe even though I am a consumer now and then of those terrible things, and I would not advocate for anybody in this country to smoke or drink too much, but for those who indulge in it, they should have their equal opportunity as anybody else, so I would support the Motion on that basis but, particularly, for the duty allowance. Across the Cayman Islands I represent many of those persons who do not have the luxury, like many of us in this honourable House today, to pay the prices that we have in the Cayman Islands.

Mr. Speaker, I respect the Government so much for protecting the business community, but I must say that the business community has not been the fairest to Caymanians today. They have been taking advantage of us through overpricing. There is no price control in the Cayman Islands, Mr. Speaker, therefore we have to find ways to reduce the cost of living, and this may just be one of them.

Mr. Speaker, the Honourable Premier spoke last night about the difficulties of reducing the cost of living and his job is to at least not increase it and I respect him so much for that; but, Mr. Speaker, it is our responsibility. If we can put some leniency somewhere for those who can't afford it, we must find ways to do so. I am almost certain, if we check the num-

bers, there are not many of us left anyhow; and of those who are left, how many actually travel, and [for] the effect it would have on the duty allowances, I question the Minister of Finance as to how much it would actually affect the income and the market.

In respect to the Opposition Leader suggesting that there might be difficulty because the Motion suggests “only Caymanians” and there have been talks of some persons who have Cayman passports who are not Caymanian—

[Inaudible interjection]

Mr. Kenneth V. Bryan: Well, if that was suggested the last time, I dare say, Mr. Speaker, that a person who has a Caymanian passport is as close as possible to being Caymanian anyway, and should be relevant in this Motion. It would alleviate that problem, but to simply use the scare tactic as to how much it would affect the local economy... I agree that we should shop locally, but I also have to look out for the poorer classes of people in this country, because there are not many people looking out for them and this is who this [Motion] will affect.

I remember many times I looked forward to taking a little trip so that my little \$350 could go a lot further, and I don't think there is going to be a bomb rush of people who are going to decide to leave the Island just for a shopping trip; but if they happen to go out on a Christmas trip with their children, they say, *You know something, let me get a couple of presents or buy something nice for my mummy without worrying to have to pay duties on it* so I question the Government.

Outside of only protecting the business community, what about the average person who has to pay the high cost, and we must all agree, Mr. Speaker that the cost of living in this country is quite high, and there are many people who are not quite making it; this is just one of those ways that we can make it a bit easier. There are not many other ways that we can. I agree with the Premier, it is difficult to bring down the cost of living, and managing that process is very delicate, but I must agree with the Opposition Leader in respect to this Motion.

Now, if the Government wants to reconsider the amount to say, *well, maybe we can't make \$700, maybe we could bring it to \$450* but how does the saying go again? One, one, coco full basket—I can guarantee you a Caymanian would appreciate an extra \$100, if in fact they have the opportunity to go away.

To use that scare tactic, I think, is unfair to those out there who would appreciate it. I am a politician—and I am glad the people of George Town Central gave me the opportunity to be here today. I make a reasonable salary, yet I still look forward to that little duty allowance, so Mr. Speaker, I want to highlight my

support for the Honourable Opposition Leader in respect to this Motion.

Now, I want to move on to the third element of this Motion, which speaks about allowing Caymanians over the age of 18 to import spear gun parts. I honestly must say I am a bit surprised that the Minister of Finance is confused as to whether or not it is allowed. I think that, once it was sent to this House, that Motion was supposed to be clear. Now, I am not here to make anybody look bad, but is it allowed or is it not?

In respect to the licencing part, I heard what the Honourable Minister of Finance suggested in respect to the licencing scheme about the entities that are overlooking the National Conservation Council, and that the Government is currently willing to accept that part of this Motion. I am glad to hear that, Mr. Speaker, but if we have to sit and wait on the National Conservation Council to get this done, we may be talking about another two years.

[Inaudible interjection]

Mr. Kenneth V. Bryan: It has already been two [years], as I heard from my colleagues.

Now, Mr. Speaker, unless the Government can give some sort of commitment in respect to how quickly this can be done, and I am appreciative of the fact that they have already accepted their willingness to move forward with that, but too many times we have heard, *Yes, we are going to do it*, and it does not get done. For those who still love our heritage in respect to the opportunity to take their child out and go spearfishing (sadly, my father was not around and I did not have that luxury for him to go with me), but I would love to be able to take my daughters one day, so I would like to know if the Government can commit to a response, at some stage, on how fast it will happen.

Now, forgive the assertiveness in my tone, but when it comes to defending the poorer class people in this country, it is a bit sensitive for me as well as it is something in my manifesto, and I will dare to defend it. I think there is not enough proof by the Minister of Finance in respect of the ripple effects of adding a few hundred dollars to the duties other than speculation of the ripple effects. Most of the time we make predictions.

We make predictions in our budget, Mr. Speaker, and sometimes those predictions are wrong, so the Minister of Finance can make predictions of the ripple effects, but I think without supporting evidence of that, because we have not changed it in many decades if I am correct in my facts, how can we say how damaging it would be to our local economy? Truth be told, with the cost of tickets out of this country, this has decreased so much since we made the \$350 mark many, many decades ago, that I am not sure exactly what amount would hurt the economy.

I was hoping that the Finance Minister would have been able to come here and defend his position, not to agree with it, by way of saying, This is how many flights leave and how many Caymanians are on those flights and how many of those Caymanians buy this amount, to put a figure to that in respect to the loss of revenue; but I hear speculation, Mr. Speaker, in respect to that loss. I respect them for protecting the market, but the business community is one part of our society. We have the shoppers too, and someone has to look out for them.

With that being said, Mr. Speaker, I want to give my support to the Honourable Opposition Leader, and I hope that the Government would reconsider its position, as it would affect many people who do not have the opportunity to pay the high prices in this country.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? The Elected Member for Newlands.

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

Mr. Speaker I won't be long, as I think my good friend from Central said it all, but I had to rise today to give my support to this Motion and make note that this is not the first time I have seen this Motion or something similar come to this honourable House.

In the same train of thought as my George Town Central colleague, Mr. Speaker, this Motion is not about doing damage to the economy, but trying to give the average Caymanian a little hand-up; quite recently Florida had—and I think it is an annual thing now—a back-to-school weekend when school supplies are completely tax-free.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Two weeks ago.

Take that into consideration, Mr. Speaker, and I know not one single Member of this honourable House can sit here and say it has not happened to them that they have been approached by constituents asking for assistance with school supplies. As recently as today, I got a text message while sitting here. We have Caymanians who need help. I think this is a small gesture; one small change that this Government could do, to assist the needy Caymanians in particular.

My plan was to actually travel to Florida to purchase school supplies, which has become an annual thing for us where we donate to the needy. Though it did not work out for me, Mr. Eden and I are going to continue with our efforts to assist those in need, but just think, during this time of the year, Mr. Speaker, many Caymanians take that annual family trip and I think the majority end up in Florida—and that

small increase in their duty allowance would have come in very, very handy for many families.

I don't think, and I agree with the Member for George Town Central, that this is going to destroy the country's economy. I remember the previous Finance Minister going at lengths to say that a similar proposal would, but this is a small thing that we can do for our people at a time when the cost of living is affecting them, despite those on the other side who say that I have it wrong and that I am not an economist. We have to find ways in the same way that, as the Premier said last night, we can't just give education all the priority because there are other areas of government that need to be prioritised, and we have to look out for certain industries and so forth. We also have to look out for the small man and have to do these little things, these little changes that will have a significant impact on the pocket of the average Caymanian.

Mr. Speaker, we do not have price controls in this country and there are many who agree that we should not have price controls, but just to give an example: I like to wear collared polo shirts and to purchase a polo shirt on this island costs me CI\$95. I can find the same shirt in Dolphin Mall in Miami for US\$30. It is ridiculous! We go to great lengths to protect the business community, to ensure they can operate and earn a profit and hire people—I appreciate that—but we are not doing very much for the average Caymanian who is subjected to these high prices; and I call it price gouging in some instances.

Mr. Speaker, as I said earlier, many Caymanians may take one family trip per year and the rest of the time they shop locally and they are subjected to these high prices, so I think it balances out in the end. I don't think that we should worry too much about the potential impact on government revenue because in my mind, and I haven't done the maths, but I don't think it would be a significant impact. Most families, taking one trip per year, Mr. Speaker, I don't think it is going to break the bank.

I am glad to see, however, that the Government is willing to support the spear gun parts recommendations in the Motion, because for quite some time in this honourable House, we have heard concerns about the safety involved in spearfishing using guns with parts that are worn out, not just for the person doing the spearfishing but for anyone else in the water with them.

I remember it was about over four years ago, that an amendment to the Conservation Law, or Bill at the time, was made; and we heard from way-back-then that the Government was going to bring forth a licencing regime and a proposal on how to move forward with this. I really hope none of us were holding our breath, because we did hear comments about it not seeing the light of day and so far, it has not, so I join in the call, Mr. Speaker, for us to put a definitive delivery date on that if the Government is willing to

move forward, and don't let it be another empty promise that will not see the light of day.

Spearfishing is a part of our heritage; I did it with my father and I hope to do it with my children, Mr. Speaker. Unfortunately, I do not have a spear gun or a spear gun licence, but we keep chipping away at these little privileges that belonged to our people and over time our people are ending up with nothing.

I know I will get beaten up later when someone from the Government side gets up and says I am being irresponsible, and I don't understand how Government and the economy work; but, Mr. Speaker, the people of Newlands put me here. I am going to advocate for them because I see the benefit of doing things like this for our people and I don't care who beats up on me. At the end of the day, I am accountable to the people of Newlands and I think they will appreciate, as they did this election, what kind of job I can do for them.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Barely? I am still here, though.

[Inaudible interjections]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Next time around it may be different, but I plan to advocate and work for my people and the people who put me here.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Whether I barely made it or not, I thank God every day for the opportunity. That is why I am here, Mr. Speaker, and I strongly support this Motion and ask all Members to consider giving it their support.

Thank you.

Mr. V. Arden McLean: I might have been barely, but I stood my ground.

[Inaudible interjection]

Mr. V. Arden McLean: Like a coward, so you would get elected.

The Speaker: Coward is unparliamentary.
The Member for Bodden Town West.

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

I really wasn't planning on speaking on this Motion; however, after listening to the reason given by the Government as to why they are not supporting it I was a bit perplexed, the reason being it was said this Motion would actually hurt small businesses.

Mr. Speaker, it is clear there are Members inside here who have no idea how small businesses really operate. First of all, Mr. Speaker, no government around the world has proven that taking a dollar out of the economy and putting it back has been more efficient than leaving it there in the first place.

Mr. Speaker, our tax base is consumption driven. Simply put, if we leave more money in people's pockets, they have more money to spend with businesses, so I cannot understand how government collecting this money and people having less money to spend because they have now given it to the government in duty would actually help small businesses.

If the Government is telling us now that it is going to do away with mandatory pensions for expats, which will help small businesses, then I can understand that argument, Mr. Speaker. If the Government is saying they are looking at ways to lower health costs that will help small businesses, I can understand; but to tell us that leaving their hard-earned money in Caymanian pockets is bad for business, when we need them to keep their money to go patronise businesses, really makes no sense, Mr. Speaker.

I recently bought many school bags for my district and last Saturday morning I was actually tempted to jump on a flight to Miami, go into Walmart and buy JanSport bags which would cost the equivalent of just under CI\$15. For Members inside this Chamber who did similar, I can tell you those same bags were running anywhere from \$25 to \$32 locally. This was something we were looking to give away to give back to our community. It would have been cheaper, but instead—at least I can speak for myself—I chose to spend the time on Island and spend the money locally even though, for the purpose of what I wanted, it could have gone much further by jumping on a plane and going there.

To try to make the Caymanian people believe that taking money out of their pockets is helping businesses goes very far, Mr. Speaker, that I can tell you. Unlike my colleague for Newlands, who said he may not understand the economy, I can tell you without a doubt, Mr. Speaker, that I am one of them inside this Chamber who understand this economy and how it works, and I can tell you that the excuse given is really and truly poor. It would be better if they said they don't want to do it, but don't say they are helping small businesses because there's no track record of any initiative I have ever seen going through the SPS to help small businesses.

Thank you, Mr. Speaker.

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

The Honourable Minister for Financial Services.

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs: Mr. Speaker, I rise to make a very, very, very, very brief contribution to this Motion and it is only to state a fact that seems lost in all the conversation which seems to be very much focused on our ability to provide school supplies to our various constituents. For the constituents' ability to provide school supplies for their children seems to be the very passionate argument that we hear as to why this particular Motion should be passed.

I just want to remind people in this Chamber, Mr. Speaker, as well as the listening public, that during the last administration we actually made school supplies duty-free so, whether or not you travel, the cost of purchasing an airfare and going overseas to purchase your goods and bringing them back, the cost of course, can accumulate there.

Many people in the community, Mr. Speaker, and I have to confess that I am not one of those, so I cannot speak to the specifics of that, but the principle remains the same: people order online. They order their supplies remotely [with] internet banking. We have several internet banking gurus in this Chamber, I'm sure, so they may be able to give more colour to that particular process, but the fact is school supplies are duty-free. Therefore, there is no benefit to the discussion being had about the Government not taking into consideration the ability to supply the needs of our community, as it relates to providing for our children.

I am sure that the now Minister for Education and other Members in this Chamber feel as passionate as I do, when we talk about providing for our children and certainly, coming from my historical position it is something that we fought very hard to achieve, and we managed to bring it into force during the last administration, so I just wouldn't want it to be lost in the discussion here today.

Thank you.

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I thank you.

I rise to support this Motion by my good friend, and Leader the Opposition. Like my good friend for Bodden Town West, I was not going to speak; I was just going to vote Yes, but the Minister for Financial Services has inspired me to speak.

[Laughter]

Mr. V. Arden McLean: I should say to her, Mr. Speaker, that is precisely the reason we have it, because if they are duty-free, somebody is killing Caymanians once they get here, because they are four times the price you can get them overseas.

[Inaudible interjection]

Mr. V. Arden McLean: School supplies in this country are four times the price than you can get them overseas. I hope they are not bringing it duty-free, because that is price gouging!

[Crosstalk]

Mr. V. Arden McLean: I am saying that we need to save all how; whilst it may not fall in to that \$700, the mere fact that we are saying support the small businesses or the businesses in this country, you are not getting the duty-free benefit here. That is number one; that's number one. That's all I am saying.

Whilst the parent can bring it in duty-free, they need to go somewhere else to try and buy it because they are not getting the benefit of the duty-free status on school stuff here. That is why we have always argued that we have no way of putting mechanisms in place to ensure the Raeganomics in removing duty—the trickle-down effect. It doesn't work!

It doesn't work for many things and there are reasons why, Mr. Speaker. With the population in this country, it is very difficult to support businesses for them to become profitable, unless you have a very good product. That is precisely why the cost of purchasing in this country is so high. I heard examples being given.

Mr. Speaker, I recently needed a part for my truck. It was nearly \$1,200; I called my friend to purchase it for me from the dealer in Miami, and it was just under \$160.

[Crosstalk]

Mr. V. Arden McLean: Yeah, to that CI \$1200 you have to add 20 per cent.

I don't want to kill the businesses by doing something here, or putting my signature on something here that would adversely affect them, but we all know that it is a small price for this country to pay for the returning Caymanians to get a break. It is a small price to pay.

The Minister came up with examples from all over the Caribbean as to what the exemptions are. There are other exemptions in other places as well, absolutely, and if we are going to use those as guidelines, then maybe it is all well and good because they are around the same amount; some US \$400 - \$500, except for America, which I believe he says is US \$800 for returning residents.

Mr. Speaker, so many times it makes all the difference—and I am not subscribing to it being for the needy, because the needy cannot catch a plane and go away. I think it is basically to assist someone with being able to stretch the money that is made in this country that much more. I am not going to advocate that it is for the needy, because the needy are supported by the Government, really. People who go away just to shop have some money, but they can

stretch it that much more if they are allowed duty-free exemptions that are a little higher.

Mr. Speaker, on the third part of the Motion, I am a little surprised that we would be separating the vote on it because it is one Motion.

An Hon. Member: Three separate resolutions.

Mr. V. Arden McLean: There are three separate resolutions, but...

[Inaudible interjection]

Mr. V. Arden McLean: I thought we would have amended it but, be that as it may...

[Inaudible interjection]

Mr. V. Arden McLean: "Why don't you amend it?" It is you who wants it, not me.

The Speaker: Honourable Member, Standing Order 24(13) says, "**If a motion embodies two or more separate propositions, the propositions may be proposed by the Presiding Officer as separate questions.**"

Mr. V. Arden McLean: Mr. Chairman, I'm very comfortable with that.

[Inaudible interjection]

Mr. V. Arden McLean: I understand that. Talking about, "why am I trying to confuse it?" I am simply saying that I don't know why we did not amend the Motion. If you are not going to do it.

[Inaudible interjection]

Mr. V. Arden McLean: Mr. Speaker, I do not know why the Premier is getting in my debate, and no one is trying to stop him.

Mr. Speaker, let me go on to the third resolution.

The Speaker: Please.

[Laughter]

Mr. V. Arden McLean: Mr. Speaker, I know we are in an ants' nest here. There is a minefield here and we have to negotiate our way through it. Well, I am pretty good at negotiating my way through minefields. I am not legless yet.

Mr. Speaker, I do not understand why the National Conservation Council has taken almost four years to effect this change. There seems to be a deliberate attempt to stop that spear gun provision being put in place in this country. As far as I remember, this

was done in December 2013, under the previous administration. Members of the old Marine Conservation Board went over to the National Conservation Council and carried those same ideas of banning spear guns in this country.

Members of the Government, including one current Minister, voted for those changes when I moved that Motion during Committee Stage of the National Conservation Law. It is the will of this Legislature that they must adhere to, but it seems Parliament is being held in the meetings of these appointed boards.

Mr. Speaker, it needs to stop. It needs to stop. This is the will of the people that must be adhered to; it must be strictly followed, and the provisions are put in place to ensure that these things are done. The former Minister would not put that section of the law in place until a year before he remitted office, and it has still not been completed. It is like planning a building in this country, whereby it takes one year to build a toilet block! It is taking forever because no one wants to see it in place.

Maybe the Minister is correct that we need to look at the Customs Law because under said Law there are no provisions about spear guns. Someone in Customs needs to know that it is allowed, because directives are there that they are not allowed to be brought in. I welcome the Minister's suggestion that he will have a look at that, but this should have been in place a long time ago. We should not have to bring Motions to this honourable House when the will of the House was expressed to the civil service a long time ago.

Mr. Speaker, I believe all three resolutions are worthy of receiving the Government's support. If the Government says no, the Government must have its way; however, the Minister made it very clear that it will affect both retail and wholesale businesses in this country, so I hasten to remind the Members of the Government bench that they should take heed of that when they consider how they are going to vote.

Thank you, Mr. Speaker.

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

The Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Thank you, Mr. Speaker; quite briefly.

Mr. Speaker, if I could seek to un-muddy the waters stirred up by my friend the Member for East End. The Motion before the House, which has been drafted and moved by the Member for East End's leader, the Leader of the Opposition, is quite properly drafted. It provides three "resolve" sections, each dealing with separate issues, and invites a vote on each of those issues, so there is some confusion in the House by the Member for East End's proposal that

we should amend the Motion. I see no need to amend the Motion, nor do I see any way that it could possibly be amended to improve the way it has been set out. I just wish to make that procedural point before I say a few words about the Motion itself.

Mr. Speaker, this Motion has been brought to this House in one form or another on a number of occasions, seeking to provide duty-free status to cigarettes and alcohol in one section. I am not sure why we should be doing that; I don't mind a few glasses of whiskey either, but I expect that we should pay for those sins—

[Laughter]

The Premier, Hon. Alden McLaughlin, Jr.: —And not expect the rest of the people, who do not indulge in such activities to pay for them, because that is what we are doing. If we suggest that we do not charge duty on these, we have to charge it on other things to make up the revenue, so we can spend it on the long list of things that the Members of the Opposition have so creatively proposed. The Government is not inclined to agree to the first “resolve” section for that reason—we are not going to allow people to smoke and drink for free in the country.

On the second resolve section, which asks us to take away the duty-free allowance from residents, but increase it for Caymanians who are coming back to Cayman with dutiable or household articles up to the value of \$700—twice the current duty-free allowance—let me say a couple of things, Mr. Speaker.

The first is that CI\$350 is US\$437.50. The allowance is not per family but per person so, for a family, which I would say the average family is four persons, the duty-free allowance is US\$1,750—it means there is no duty payable at all on whatever you have purchased over there up to the value of US\$1,750. That, Mr. Speaker, by any stretch, is a most generous allowance. I know; I have been away many times and bought many things with my family, and I am always stunned at how low the amount we have to pay in terms of duty is because, when most items attract duty at 20 or 22 per cent and school supplies are duty-free, you have to buy a lot of stuff if this \$1,750 of duty-free allowance does not significantly help you.

Mr. Speaker, while it is a very good political move (I have been around long enough to understand that), the Opposition started its campaign for the next election very, very early. I agree, it is a very good political move, but it is not only unnecessary.

Despite the fact that the Member for Bodden Town West claims he understands the economy, for the life of me, and perhaps it is because I lack his qualifications, I cannot understand how encouraging Caymanians to spend money in Miami is going to assist the local economy. Nor for the life of me do I understand how spending money in Miami to purchase things does not impact the merchants here from

whom those goods would otherwise have been purchased.

Nor do I understand how the Members for Bodden Town West and George Town Central do not seem to appreciate that those small businesses which they have decied are the same small businesses which we need to employ their constituents—all of ours, but theirs in particular because it is the two of them I am addressing—who need jobs.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin, Jr.: Nor do they seem to appreciate that the owners of small businesses in Cayman are principally Caymanians and they ought to be concerned about their welfare as well, and encourage their growth, not propose things which continue to erode their viability. The Member for East End did, and he was the only one over there who acknowledged it when they spoke. He recognised that a big part of the challenge with prices in Cayman is the lack of volume for businesses. The more people we have accessing goods and services, the more the economies of scale can come into play; but the smaller volume of business and trade you have, understandably, the higher the level of the prices.

It is the converse of the old Chinese businessman approach to things—‘you sell it very cheap you sell plenty’; but if we reduce the scope and actively encourage the purchase of merchandise overseas, as Members on the other side have been doing, for the life of me, I don't care how many schools the Member for Bodden Town West went to and how many degrees he has, I cannot understand, with my obvious lack of education in economics, how it is not going to impact the local economy. How it is not going to negatively impact local businesses.

Mr. Speaker, this Government is keenly conscious of the need to continue to do everything we can to lower the cost of doing business. This Government, and Members on this side, are only too keenly aware of the many challenges our constituents face in meeting day-to-day bills. I can promise you no one over on that side is likely to have received more requests for assistance with school supplies than I have—I have been around longer than many of them, so I have been receiving them for much longer—so I am keenly aware of these things.

As the Minister of Financial Services pointed out, which seemed to come as a surprise to Members on the other side, there are no duties on school supplies, courtesy of the previous administration. When I heard it being urged in aid of the other side's arguments as to why we should double the duty-free allowance, I knew then, Mr. Speaker, that they were quite desperate to try to “shore up” what is an otherwise very weak argument.

Mr. Speaker, for the few points I have made, and the reasons put forward by my colleagues on this

side, the Government can see no proper basis on which to accede to resolutions one and two of this Motion.

As the Minister of Finance said, Mr. Speaker, the third resolution sought is one the Government is prepared to entertain. The Government shares the House's frustration that the matter is still pending long after we as a House agreed, in the previous administration, that it should be addressed, and we shall do everything we can to ensure the matter is now addressed with alacrity.

Thank you, sir.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak; if not, I call on the Mover.

Hon. D. Ezzard Miller, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I thank the Government for accepting resolution No. 3—moving the prohibition for the importation of new spear guns and spear gun parts from the Customs Law, but there is no joy in my heart because I know it is not going to happen. The Minister of Finance does not even know what section of the Law needs amending. I am not the Minister of Finance, so it is not my responsibility; but things that are prohibited by the Customs Law, which are prohibited by other legislation are the sections that need to be amended.

To avoid that, what we are saying is to simply amend the Customs Law to specifically allow the importation of new spear guns and spear gun parts; a very simple amendment. However, Mr. Speaker, I am troubled. From a Government that brags about protecting businesses—because, Mr. Speaker, there are not too many small businesses in Cayman that are selling the dutiable household goods we are talking about, you know; not too many small businesses are doing so.

Mr. Speaker, if an increase is going to be such a calamity for the small businesses, we would have thought the Government would have had a resolution here to amend the law to make it zero in their zealous intention and commitment to the business community.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: No balance? Here is the difference: the Premier says this is a good political move for the Opposition. We represent Caymanians. We are constantly talking about Caymanians. The question is: Why is it not a good political move for the Government also!

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: No, this has nothing to do with looking; it has all to do with who you are compelled to cater to, and who you are compelled to represent in here because of the political implications thereof!

Mr. V. Arden McLean: And the promises made.

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Legal Practitioners Bill.

The Speaker: Honourable Members, be careful with imputations.

Hon. D. Ezzard Miller, Leader of the Opposition: Mr. Speaker, when he mentioned politics, why did you not correct him?

The Speaker: No; not you. I must say you are talking [about] politics and politics, as far as I know, is accepted in the House. The imputations are made by Members sitting and it is carried. There are imputations, and I am not going to accept it.

Hon. D. Ezzard Miller, Leader of the Opposition: Mr. Speaker.

[Inaudible interjection]

The Speaker: I am not—the Member for East End is constantly talking while somebody else is talking. I have given much leeway and some levity in it. Stop it! Continue Member.

Mr. V. Arden McLean: Mr. Speaker, if I may, sir, I do—

The Speaker: No! The matter has been spoken to; I invite the Member for North Side to continue.

You can't make these imputations the way you are making them.

[Inaudible interjections]

Hon. D. Ezzard Miller, Leader of the Opposition: Mr. Speaker, part of the problem and part of the necessity to provide this limited relief to Caymanians in need is because of the business people's practices.

You heard the example given about a car part coming from the same dealer, you know. I will give you a similar one. I needed a propeller for my boat; I called the local supplier and it was CI\$296 plus labour to install it. From a dealer in Miami, it is US\$60—that is the standard kind of mark-up. A composition book, which the Minister of Financial Services correctly reminds us is duty-free, is US\$.99 cents at Staples in Miami, and CI\$2.95 and up, in Cayman—and it is duty-free.

Let's assume, Mr. Speaker, that ten thousand Caymanians, (and I am not so sure there are that many of them left), were granted this \$750, we are talking about \$7.5 million, average duty 20 per cent, \$1.5 million. The \$1.5 million loss of government revenue which the Premier claims we are moving motions to spend all of government's money and to keep government from getting any money; \$1.5 million out of Customs revenue, which is estimated to be over \$100 million this year—1.5 per cent. They can't give that to the average Caymanian, but giving a developer \$30 - \$40 million, no big deal.

Remember that in the developer's case he is not consuming anything; the duties and fees he would pay are cost of business which he passes on to the person he is selling to. It is not coming out of his pocket. This is coming out of the average working Caymanian's hard-earned money. The Premier said that if a family of four travels, they would get \$1,700. I speak subject to correction, but I think you have to be 18 to get the allowance. Okay?

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Each.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Let's look at the liquor, [since] they say I want to make everybody drunk.

[Laughter]

Hon. D. Ezzard Miller, Leader of the Opposition: You know my mantra, when I go out I have two. There is no record of me getting drunk anywhere because I don't care who you are—if we go out to dinner, I will have two beers or two glasses of wine but that is it. Can't make Ezzard Miller have more than two drinks any one night. It is called self-control.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Yeah, we have to pay duty, but here is the difference: we are quite comfortable with the status quo where the average Caymanian (most of us drink rum, we don't drink wine) can only have one litre, but it is okay for most of the other people who drink wine to get four times as much.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Just making a point. The public must think [about] who the wine drinkers are in our community.

Mr. Speaker, I look forward to the Minister of Public Finance and Economic Development bringing an amendment to the law to reduce it to zero so he can save all the small businesses; and, Mr. Speaker, talking about the rules, I would just draw yours and all Members' attention to Standing Order 83, when we go to vote.

Thank you, Mr. Speaker, you may put the vote.

[Inaudible interjections]

The Speaker: There are several aspects, several resolutions to this Motion and I am going to put them separately.

It reads as follows: BE IT THEREFORE RESOLVED THAT Government considers amending the Customs Law to provide that all passengers over the age of 18 years may bring with them into the Cayman Islands the following:

4 litres of potable spirits
4 litres of wine
4 cases (not exceeding 32 litres) of beer
Up to 400 cigarettes
Or 200 Cigarillos
Or 50 cigars
Or 500 grams of tobacco;

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

AYES and NOES.

The Speaker: The Noes have it.

Hon. D. Ezzard Miller, Leader of the Opposition: Mr. Speaker, could I have a division please.

The Speaker: Clerk, a division please.

Mr. Kenneth Bryan, Member for George Town Central: Mr. Speaker.

The Speaker: The Member for Central George Town.

Mr. Kenneth V. Bryan: I apologise for my lack of understanding of the protocol. We are voting on the three different parts separately, correct?

The Speaker: Correct.

Division N° 3-17/18

The Clerk:

AYES: 4

Hon. D. Ezzard Miller
Mr. Alva H. Suckoo, Jr.

NOES: 9

Hon. Alden McLaughlin
Hon. Juliana Y.

Mr. Christopher S. O'Connor-Connolly
 Saunders Hon. Dwayne S. Seymour
 Mr. V. Arden McLean Hon. Roy M. McTaggart
 Hon. Tara A. Rivers
 Ms. Barbara E. Connolly
 Mr. Austin O. Harris, Jr.
 Mr. Kenneth V. Bryan
 Mr. Anthony S. Eden

Abstentions: 3

* Hon. Moses I. Kirkconnell
 Hon. Joseph X. Hew
 ** Mr. David C. Wight

* **Hon. Moses I. Kirkconnell, Deputy Premier:** Under Standing Order 83.

Absent: 2

Hon. Bernie A. Bush
 Capt. A. Eugene Ebanks

The Speaker: The results of the division—

The Premier, Hon. Alden McLaughlin, Jr.: Mr. Speaker.

The Speaker: The Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Mr. Speaker—with your permission, sir—out of an abundance of caution, the Member for George Town West would like to change his vote to abstain, because he runs a gas station that does sell cigarettes.

The Speaker: Yes. Honourable Member for George Town West, the Premier has asked for—

**** Mr. David C. Wight:** Mr. Speaker, I would like to change my vote. I will abstain out of an abundance of caution.

The Speaker: Yes.

Mr. David C. Wight: Are you happy?

[Inaudible interjections]

The Speaker: I think we can allow that without any problem.

[Inaudible interjections]

Hon. D. Ezzard Miller, Leader of the Opposition: I'm trying to save you [inaudible] That is what the rules say, not what I say; I'm trying to save you for your own good.

The Speaker: Honourable Members, there has been a request and I think we should abide by it. I think it is fair.

[Inaudible interjections]

The Speaker: Honourable Members, in accordance with your wishes, the result is as follows: 4 Ayes, 9 Noes, 3 Abstentions and 2 Absentees.

That section of the Motion has failed to be carried.

Negated by majority: First Resolve to Motion No. 2 2017/2018—Amendment to the Customs Law to provide all passengers over the age of 18 to bring in extra potable spirits, litres of wine, cigarettes, cigars, cigarillos and tobacco failed.

The Speaker: The question is: BE IT FURTHER RESOLVED THAT the Government consider amending the Customs Law to provide that Caymanians returning from a visit overseas may bring with them dutiable or household articles up to the value of CI\$700.00.

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

AYES and NOES.

The Speaker: The Noes have it.

An Hon. Member: Mr. Speaker, could I have a division?

The Speaker: Clerk, divide please.

Division N° 4-17/18

The Clerk:

AYES: 6

Hon. D. Ezzard Miller
 Mr. Alva H. Suckoo, Jr.

Mr. Kenneth V. Bryan
 Mr. Anthony S. Eden
 Mr. Christopher S. Saunders
 Mr. V. Arden McLean

NOES: 7

Hon. Alden McLaughlin
 Hon. Juliana Y. O'Connor-Connolly
 Hon. Dwayne S. Seymour
 Hon. Roy M. McTaggart
 Hon. Tara A. Rivers

Ms. Barbara E. Connolly
 Mr. Austin O. Harris, Jr.

Abstentions: 3

Hon. Moses I. Kirkconnell
 Hon. Joseph X. Hew
 Mr. David C. Wight

Absent: 2

Hon. Bernie A. Bush
Capt. A. Eugene Ebanks

The Speaker: The results of the division is as follows: 6 Ayes, 7 Noes, 3 Abstentions and 2 Absentees. The Motion has failed.

Negatived by majority: Second Resolve to Motion No. 2 2017/2018—Amendment to the Customs Law to provide that Caymanians returning from a visit overseas be allowed to bring dutiable or household articles up to the value of CI\$700.00 failed.

The Speaker: And in the last resolve section, the question is: BE IT FURTHER RESOLVED THAT the Government consider amending the Customs Law to allow the importation of spear guns and spear gun parts by Caymanians over 18 years of age under license from the National Conservation Council.

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

AYES.

The Speaker: The Ayes have it.

Hon. D. Ezzard Miller: Mr. Speaker, could I have a division please?

The Speaker: Clerk.

Division N° 5-17/18

AYES: 15

NOES: 0

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Juliana Y. O'Connor-Connolly
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart
Hon. Tara A. Rivers
Ms. Barbara E. Connolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.
Hon. D. Ezzard Miller
Mr. Alva H. Suckoo, Jr.
Mr. Kenneth V. Bryan
Mr. Anthony S. Eden
Mr. V. Arden McLean
Mr. Christopher S Saunders

Abstentions: 1

Hon. Joseph X. Hew

Absent: 2

Hon. Bernie A. Bush
Capt. A. Eugene Ebanks

[Inaudible interjections]

The Speaker: The result of the division is as follows: 15 Ayes, 1 Abstention and 2 Absentees. The resolution has been carried.

Agreed: Third Resolve to Motion No. 2 2017/2018—Amendment to the Customs Law to allow the importation of spear guns and spear gun parts by Caymanians over 18 years of age under license from the National Conservation Council passed.

PRIVATE MEMBER'S MOTION NO. 3/2017-2018—CONSTRUCTION OR PURCHASE OF HOUSING

Mr. Kenneth V. Bryan: Mr. Speaker, I rise to bring Motion No. 3/2017-2018, Construction or purchase of Housing to the Floor of the House, which reads as [follows]:

WHEREAS here is a growing concern emanating from members of the public who are granted temporary housing assistance by the Needs Assessment Unit "NAU", that they are unable to secure rental accommodations;

AND WHEREAS members of the public who are granted housing assistance are expected to locate and secure rental accommodations on their own;

AND WHEREAS many landlords are refusing to rent to those who have been granted temporary housing assistance by Government because Government does not provide the necessary deposits and quite often payments are frequently delayed or disputed by the NAU;

BE IT NOW THEREFORE RESOLVED that Government considers immediately appropriating sufficient funds to construct or purchase fifty (50) two bed room apartments to address the need for housing of those who are granted temporary housing.

The Speaker: Is there a seconder for this Motion?

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Mr. Speaker, I rise to second the Motion.

The Speaker: Does the Member wish to speak to the Motion?

Mr. Kenneth V. Bryan: Mr. Speaker, I rise to speak to the Motion although, I would like to announce that I have intentions to...

Apologies, Mr. Speaker, I brought this Motion to the House some ten days before the House proceeded, but I want to rise to say a few words to what I heard last night by the Honourable Premier Alden McLaughlin in his administration in response to my Motion.

First, I would like to congratulate the Honourable Premier particularly because he is the Honourable Minister responsible for the areas of concern in respect of this Motion. I would also like to thank his Caucus for considering my Motion and putting considerations into the Strategic Policy Statement (SPS) to address the matter it highlights.

I want to turn the Members' attention to the Honourable Premier's Alden McLaughlin's speech just last evening in responding to my Motion, and read a portion of it before I move on to the other elements of my Motion. It says, *"I can confirm that we will address the concerns of the effectiveness of the Needs Assessment Unit as well as improve the speed at which landlords and others who provide services to our social service agencies receive payment. Both of these are major areas of complaint and we will correct them."*

Whilst I appreciate the concern and desire for Government to construct or purchase housing to be used for temporary accommodations by social services, the fact is, that approach is not only impractical and cannot be afforded in this budget, but it is also unnecessary. There is more than sufficient housing available in the private sector The issue that landlords have is with receiving payments in a timely manner, as well as concerns about damage caused to their property. By ensuring that rent payments are received on time and that landlords are treated fairly regarding damages, then we can largely solve the issue"— I want to repeat: *"then we can largely solve the issue"* I highlight that point and will come back to why I said it twice, *"without government taking on the burden of owning an estate of houses with the ongoing operating costs. The approach we are taking is both affordable and practical."*

Now, Mr. Speaker, I started my deliberations by thanking the Honourable Premier for addressing my Motion in the SPS because the Honourable Premier and his administration's members already addressed two of the major concerns in my Motion, the first being the frequent delays by the NAU on payments for those who have been granted assistance and are renting from private landlords, and the fact that the NAU sometimes disputes damages or delays payments and the like.

Unfortunately, the Government has not addressed the third element of my Motion, which is to provide the necessary deposits in order to get temporary housing. However, although I recognise they have not addressed that, based on the actions of the Honourable Premier and his administration, I feel confident that he and his team, particularly that of his Ministry, will seek to address it; because, Mr. Speaker, the Honourable Premier did not have to take into consideration my Motion in the SPS. For that, I am very grateful. It gives me the indication that he truly does want to solve the problem, as he suggested in the SPS.

With that being said, I want to reiterate the fact that he said he can solve the problem; I only ask the Government to consider the third element of the deposit, which continues to be a hurdle.

Mr. Speaker, with that being said, I want to seek the leave of the honourable House to withdraw this Motion.

WITHDRAWAL OF PRIVATE MEMBER'S MOTION NO. 3/2017-2018

The Speaker: Thank you. Honourable Members, the question is that Private Member's Motion No. 3 be withdrawn under Standing Order 24(14). All those in favour, please say Aye; those against, No.

AYES

The Speaker: The Ayes have it.

Agreed: Private Member's No. 3/2017/2018 withdrawn.

PRIVATE MEMBER'S MOTION NO. 4/2017/2018 INCREASE OF MONTHLY SEAMEN BENEFITS

The Speaker: The Elected Member for George Town Central.

Mr. Kenneth V. Bryan: Mr. Speaker, I rise to bring Motion No. 4/2017-2018 titled Increase of Monthly Seamen Benefits.

WHEREAS many of our retired seamen are finding it increasingly difficult to provide the basic necessities such as food, clothing and healthcare for themselves and their families due to the increasing cost of living; and

AND WHEREAS, a number of the members of the Government campaigned to increase Seaman Benefits,

BE IT THEREFORE RESOLVED that Government consider immediately appropriating sufficient funds to increase the grant amounts for seaman beneficiaries to one thousand Cayman Islands dollars per month."

The Speaker: Is there a seconder for the Motion?

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Thank you, Mr. Speaker. I think I got this now; the Member for West Bay North was supposed to second this but he is not here, so I will second it.

The Speaker: Does the Member wish to speak to the Motion?

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker. With great pleasure, I will follow similar lines in this Honourable House as I did with my last Motion.

Again, I want to congratulate the Honourable Premier and his administration for considering my Motion in the SPS, which simply asked for the Government to increase the seamen's grant from \$550 to \$1,000.

The Honourable Premier, in his speech for the SPS yesterday, addressed my Motion by agreeing to increase it over a two-year period from the sum of \$550 to \$650 starting next year, 2018, and then subsequently increasing to \$750 in 2019. I do accept that this is not the \$1,000 that I expected for the seamen, but I still would like to give my thanks to the Premier and his administration for the consideration, because I accept that I am an Opposition Member, and the Government did not have to accept my Motion in this capacity.

I would also like to give my understanding of why they came to the amount of \$750, based on the explanation by the Honourable Minister of Finance and the Honourable Premier, Mr. Alden McLaughlin, just yesterday. In the SPS delivery, the Honourable Premier suggested there would not only be an increase in the seamen benefit, but also for the poor relief which we all know also get \$550 which I do agree with the Government, they also need this increase. It was my intention to bring that Motion as well in the future but, because I am a newbie to this Honourable House, I want to take one step at a time, Mr. Speaker.

[Inaudible interjection]

The Speaker: Continue, Member.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker, but I appreciate, though I had the intentions and did not want to overwhelm myself with too many Motions on my very first round. I only presented the two Motions we are hearing today; but I am glad to see that the Honourable Premier and this administration are on the same level [as I] with respect to this social concern that needs to be addressed.

Yesterday the Premier suggested that there would be an increase in the poor relief quite similar to the seamen grant at the start of 2018, from \$550 to \$650 and in 2017 to \$750. He went on to say that the Government is going to be giving pension grants to those former civil servants who may not be receiving very high pension amounts due to the period on which they retired, as we all know that the Pension Law only came in recently, so there are a number of civil servants whose pension is very small. I heard the Premier acknowledging a former civil servant pensioner to the amount of \$23 dollars and cents, and I agree with the Honourable Premier that it is unacceptable and we have to do our part to assist those individuals.

In closing, I again want to thank the Members of his Caucus for considering this portion in my Mo-

tion, but going farther than that in recognising that there are other Caymanians out there in need.

Now, of course I would have liked it to be higher, but I understand that the Minister of Finance has eyes on the books and would make the judgment call based on the fact they are increasing four different areas rather than the one area that I proposed in my Motion, so I accept that the \$750 is within reason, and I do hope that the Government will—as promised in the SPS—look at the figures again at the end of this two-year budget cycle.

With that being said, I would like to seek the leave of this honourable House to withdraw my Motion.

Thank you, Mr. Speaker.

WITHDRAWAL OF PRIVATE MEMBER'S MOTION NO. 4/2017-2018

The Speaker: Thank you. Honourable Members, the question is that Private Member's Motion No. 4 be withdrawn under Standing Order 24(14). All those in favour, please say Aye; those against, No.

AYES

The Speaker: The Ayes have it.

Agreed: Private Member's No. 4/2017/2018 withdrawn under Standing Order 24(14).

The Speaker: I propose to take the evening break at this time until 7:15 pm.

Proceedings suspended at 6:18pm

Proceedings resumed at 7:18pm

The Speaker: Proceedings are resumed. Please be seated.

PRIVATE MEMBER'S MOTION NO. 5/2017-2018—EXPATRIATE WORKERS' PENSION EXODUS

The Speaker: The Elected Member for Newlands.

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

Mr. Speaker, I rise to move Private Member's Motion No. 5/2017-2018, short titled "Expatriate Workers' Pension Exodus" which reads as follows:

WHEREAS recent legislative changes in the Cayman Islands will soon put a stop to expatriate workers leaving the country and withdrawing their accumulated pensions from their pension plan prior to retirement;

AND WHEREAS the concern has been raised that many businesses will lose a significant number of expatriate workers who have opted to leave the

country prior to the cut-off date of December 31st 2017, allowing them to withdraw their accumulated pension from their pension plan;

AND WHEREAS an exodus of expatriate workers will have economic consequences for many local businesses including businesses in the tourism sector who will be in the middle of their busy season;

AND WHEREAS the number of unemployed, unskilled and underemployed Caymanians continues to be a concern for these islands;

AND WHEREAS many unemployed and currently unskilled or semi-skilled Caymanians could potentially be employed in those positions vacated by expatriate workers if they are given the opportunity, training and necessary support;

AND WHEREAS the Cayman Islands has less than (6) six months to address this problem, and in the very near future will be left with no alternative but to grant new work permits as pressure from the affected businesses mounts;

AND WHEREAS one of the Cayman Islands top priorities must be that of providing training, upskilling, education, and employment opportunities for all Caymanians;

BE IT NOW THEREFORE RESOLVED that the Government considers immediately putting the following plan in place to address the concerns raised by the potential 'expatriate workers exodus' from the Cayman Islands:

1. Require all affected businesses to provide the Government with a detailed listing of those vacancies that will be created by the 'expatriate exodus';
2. Require all affected businesses to immediately register these vacancies on the NWDA jobs database;
3. Embark on a recruitment drive in partnership with the affected businesses encouraging interested Caymanians to register and apply as job seekers;
4. Identify those Caymanians who can be upskilled and trained either on the job or in the period leading up to the expatriates' departure date, and ensure that they receive the necessary training and support to be able to successfully perform in the positions;
5. Ensure that the Immigration department can access the vacancy and job seeker information to ensure that work permits are not being granted when there is a potential Caymanian applicant available.

AND BE IT FURTHER RESOLVED that the Government considers creating a special purpose multi-agency management team who will oversee the process and ensure adherence to the strict time-lines and requirements;

AND BE IT FURTHER RESOLVED that the Government considers immediately putting in place policies and directives in the Immigration department, and by extension the work permit board, to ensure that no work permit is granted to fill a vacancy caused by the "Pension Exodus" which has not been identified as such, and registered with the NWDA."

The Speaker: Is there a seconder?

Mr. Anthony S. Eden: Mr. Speaker, I beg to second the Motion.

The Speaker: The question is, "BE IT NOW THEREFORE RESOLVED that the Government considers immediately putting the following plan in place to address the concerns raised by the potential 'expatriate workers exodus' from the Cayman Islands:

1. Require all affected businesses to provide the Government with a detailed listing of those vacancies that will be created by the 'expatriate exodus';
2. Require all affected businesses to immediately register these vacancies on the NWDA jobs database.
3. Embark on a recruitment drive in partnership with the affected businesses encouraging interested Caymanians to register and apply as job seekers.
4. Identify those Caymanians who can be upskilled and trained either on the job or in the period leading up to the expatriates' departure date, and ensure that they receive the necessary training and support to be able to successfully perform in the positions.
5. Ensure that the Immigration department can access the vacancy and job seeker information to ensure that work permits are not being granted when there is a potential Caymanian applicant available.

AND BE IT FURTHER RESOLVED that the Government considers creating a special purpose multi-agency management team who will oversee the process and ensure adherence to the strict time-lines and requirements;

AND BE IT FURTHER RESOLVED that the Government considers immediately putting in place policies and directives in the Immigration department, and by extension the work permit board, to ensure that no work permit is granted to fill a vacancy caused by the "Pension Exodus" which has not been identified as such, and registered with the NWDA."

The Speaker: Does the Member wish to speak thereto?

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Yes, Mr. Speaker, thank you.

Mr. Speaker, I recognise that time is running from us and we have a number of other Motions to get through, so I will try to be as brief and concise as possible.

I know the title of the Motion may cause some levity among Members because some of us may not think there is going to be an exodus, but I borrowed the phrase from the media. I think several business groups have now referred to it in the news as a potential exodus, so it is not my creation; however, I refer to it to draw attention to the importance the business community seems to place on this issue. I think we all recall that leading up to the Election it was one of the topics in most of the Chamber [of Commerce] forums, so from that time it was a significant issue in the country.

Mr. Speaker, as shadow Minister for this subject area I did have concerns, not so much on the side of individuals who were choosing to leave the country so that they could withdraw their pension in two years' time, but more along the lines of what the repercussions would be one, for the business community; and two, for Caymanians in general.

I think everyone is aware of the background to this issue. It came about because of legislative changes that were made and the phased implementation of those changes. In hind sight, I think this became a side effect of delaying the implementation; had it been done immediately, I think there would be less cause for concern, although I anticipate there would have been a bit more of an uproar from the expatriate community. I understand the need for the changes in the legislation and as I recall, I supported them because of the potential effect it could have on our pension funds.

Mr. Speaker, I think allowing individuals to withdraw large amounts from the pension fund was a concern for many of the pension administrators because of the reduction in the bargaining power of the fund in terms of investing in different vehicles and so forth. I supported the changes; what we didn't anticipate was what I consider the concerns and threats that expatriates will now leave the country in mass.

[Pause]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: While I am not convinced that it will be an exodus of that proportion, I recognise that there is a concern for businesses and it is the business community that has raised these concerns. I think small businesses, in particular, might feel the effects the most, if there are individuals planning to leave prior to December 31st.

Mr. Speaker, [while] we all recognise the importance of businesses to our economy as providers of jobs and to stimulate economic activity, I also feel

that we have a responsibility to those Caymanians who are either seeking work or seeking a better job.

In the past I have referred to many Caymanians who, after the global recession, ended up in a situation where they were earning less money—some were made redundant, some lost their jobs and had to seek jobs at lower rates of pay. That concern inspired me to bring this Motion, because we still have many Caymanians in that position leading to issues with foreclosures, the strain on social services, and so forth.

I thought this situation, if it comes to pass, could be used in a way to benefit Caymanians—we have to remember that Caymanian workers do not have the representation businesses have; we do not have labour unions, and have yet to pass a modernised employment law. [Whereas] the businesses are pretty well organised either in industry groups via the Chamber, or different associations, there is not a sort of collective response or representation for Caymanian workers, and I have always felt that gave Government a bit more of a role to play in the representation and protection of Caymanians.

At this point, we have no idea how widespread this threatening exodus will be. I don't know if the Government has collected any information or data that would give some indication of just how many people are planning to leave this country before December 31st. I am not sure how many businesses are voluntarily coming forward with the information.

I also have to question whether or not businesses are actively, voluntarily, putting these jobs on the National Workforce Development Agency's (NWDA) jobs database. If there is a potential exodus coming, there is a need for action to be taken now. I think we are a little way down the road now where it is becoming almost too late; I think proactive action should have started quite some time ago. Be that as it may, the situation is what it is, and here we are.

Mr. Speaker, yesterday I heard the Premier's plans in the SPS, when he talked about moving the work permit function from the Immigration Department. This is something I have supported for quite some time, and I believe now is the time to make those changes. I believe that for too long we have been making decisions on work permit applications in the absence of proper market information and using individuals who have training and specialisation in labour.

I think the lack of data on the unemployed or those who are employed but looking for better employment has been a major concern for the Government for quite some time. We have all heard the complaints about NWDA not being effective. I think all of us hear it from our constituents from time to time, and I think the NWDA suffers such a lack of confidence due to the fact that it is not able to fully serve its purpose because it is not being utilised properly.

Having more jobs listed on the NWDA website would actually drive more Caymanians to make use of the site and the NWDA's services, but because currently it is only done on a voluntary basis, whenever I check I see the same companies using it over. [There] is no major increase in the number of companies using it, hence Caymanians are of the opinion that the NWDA is not as effective as it could be for them; many do not bother using its services. Those tasked with looking at work permit applications need this information at their disposal to make those decisions.

Very often we hear complaints about permits being granted when there is a Caymanian who is either interested in the role or would have filled the role adequately. Much of this has to do with the conversion of the NWDA to a proper jobs' clearing house. As I mentioned, there are many Caymanians who are in low-paying jobs and are looking for other opportunities.

I think this situation can be turned into a positive; if we take the steps recommended in the Motion, we will be able to gather the data we need, identify who is available for work or seeking work, better identify which Caymanians have training deficits who can be assisted through training. We can be a bit more scientific in how we focus our education and training efforts for Caymanians. This situation will allow us to make the first step towards the developments the Premier outlined in the SPS and will help to eliminate much of the guesswork involved in the work permit process. We will know who is available to work and which jobs are available.

Mr. Speaker, I understand that timing is an issue, and maybe a concern based on what the Motion is asking Government to consider doing, but I don't believe that because of the tight timeframe we can simply throw our hands up in the air and do nothing. In my opinion, doing nothing will result in more work permits and fewer Caymanians being able to take advantage of the situation.

I know the Government is aware of the private sector claims that this exodus is potentially going to happen, and I know that given the limited time frame and the skills gaps with some unemployed Caymanians, we won't be able to help every single unemployed Caymanian; but I think that making the effort now will definitely allow us to assist as many as possible. In my mind, that is much better than doing nothing.

There will be businesses that say they need specialised skillsets which cannot be obtained immediately in the local job market and my suggestion there is: if you have to grant a work permit, make it a temporary permit and within that time frame, train a Caymanian to take the role. I think the threatened exodus is an opportunity for us to demonstrate to our people that we hear their employment concerns.

I won't spend too much time tonight, although I had planned to go into many of the concerns in our

labour market. We all know that they exist and we all know how frustrating it gets at times to keep hearing the same complaints, over and over; but I think adopting the approach in this Motion will demonstrate that the Government is not just focused on work permit revenues, but also focused on the development of Caymanians in the workforce and in our industries. This can be a small win for Caymanians, especially those who are either unemployed or who are capable of filling positions that will take advantage of their existing skillsets at higher salary levels.

We know what most of our people are up against when it comes to employment. We have seen and heard of the discrimination in the workforce; and it is not every business that will discriminate against Caymanians, but it is becoming that much of a concern that the unscrupulous nature of some of the job ads—the way these ads are manufactured to dissuade or discourage Caymanians from even applying for employment—was mentioned in yesterday's SPS debate.

I note many of these companies use employment agencies and again, much of the focus has to be on how these agencies are operating. Many merely pay lip service to Caymanians who apply through them; they focus their advertising efforts overseas. Some of them I don't believe are seriously trying to help recruit Caymanians, and I think it is down to the business model they have adopted whereby they get paid via a share in the cost of that labour via the employer. In such scenarios, an expatriate is more profitable to an employment agency than a Caymanian. As a matter of fact, I have heard complaints that many of these companies only accept applications via the agencies and in those cases, I really have to be concerned that Caymanians are not getting access to the opportunities that exist.

We have heard of many Caymanians who were made redundant. They lost their jobs, had to settle for lower-paying jobs, and are now struggling. I think this Motion will be a Godsend for some of them, if the Government adopts the steps/recommendations in the Motion and makes a concerted effort to assist those Caymanians in taking the positions as they are vacated. I know that to some, it sounds like significant work, and in the absence of concrete data on how many individuals are planning to leave the country, it may seem like a futile exercise and not worth the effort.

However, for those Caymanians out there who are struggling right now and who are capable of taking these positions, I think it is our duty to ensure that we do all we can to assist them whether through training or the Ready2Work programme—whatever the Government sees fit; but we have to take action now. We can't just sit back and wait and hope for the best. My fear is that if we wait too long, the pressure from these businesses on the Government will be di-

rected towards asking for a quick turnaround in work permits.

On the other hand, we have to balance it; we cannot allow the businesses to suffer. They have to have the labour they need in order to operate, so this can be a win/win situation. While I don't think the potential exodus could have been predicted by the Government when the changes were made in the legislation, the situation is now knocking on the door. I think it's time we take it seriously, because we really don't want to hear complaints six months down the road that these jobs are being filled by individuals from elsewhere when they could have been filled by Caymanians—and we all know, from experience, that there is a high probability it will happen.

I know the Government may have concerns about the creation of a multi-agency management team. What I am proposing here is not a heavy, intensive management team but just a team that can manage the process and make sure, because of the strict timelines we are dealing with, that things happen as they should and people are assisted when they should be, so that no opportunities are lost in the process.

Again, the Motion is asking for the Government to consider making the necessary directives to the Immigration Department and Work Permit Board, that before these vacancies are filled with a work permit [holder], proper checks are made to ensure that Caymanians who have made themselves available, who put themselves forward, are considered prior to any work permit being granted.

I know that the Government could look at this and say it's a classic case of Opposition politics, but I am basing this on feedback I received from the public. [When] I posted the Motion on my social media, there was an overwhelming response from Caymanians who were in support of both the Motion and its recommendations, so I am again assuring the Government that I am not playing politics. I think this is a genuine concern and it can be turned into something that will benefit our people and help those who need it to find employment.

I will wait to hear from the Government and hopefully, they will decide to support the Motion or something similar; again, it is not set in stone. I am only asking the Government to consider it, but what I am asking the Government not to do is to do nothing.

Thank you.

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

The Premier.

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

Mr. Speaker, I spent a considerable amount of time yesterday in the SPS talking about what the

Government is doing and proposing to do with respect to labour and immigration issues.

I spoke at some length about the proposed creation of a Human Resources Department that would assume the functions of the Work Permit Board and what is currently called the National Workforce Development Agency (NWDA); about the creation of a national jobs' clearing house, and about the Government's determination to press on with and further develop the Ready2Work.KY programme, the pilot of which was quite successful. It aimed at ensuring that Caymanians who struggle because they lack soft skills and a range of other important factors are able to improve their viability to get and keep full-time employment.

Those are things the Government continues to do. Most of the things referred to in this Motion, which has a very detailed plan proposed by the Member for Newlands, are things already required with respect to the consideration of work permit applications by the board. There is no need for the Government to issue policies and directives. The law and the regulations are quite clear: when a job is proposed, it needs to be advertised for the requisite period [and] where there are Caymanians who are qualified and able to do the job, they are to be given preference for the job—first Caymanians, then residents—before one considers the possibility of granting a work permit.

Those are things the Government is working to ensure because we know, we all know, that there are issues and concerns around enforcement and the availability of data by which the Board and the Chief Immigration Officer can probably consider applications. There are also concerns around the whole advertising process; therefore, some of the key things we are seeking to achieve in this exercise are:

- To make mandatory the requirement that all available jobs are in one portal that is generally accessible;
- That jobs have to be advertised here prior to being advertised overseas; and
- That the terms and conditions are consistent and not one set for Cayman advertisements and another for those posted overseas.

These are things the Government is pressing on with, in trying to improve the overall job market, job situation, job availability for Caymanians.

The new Human Resources Department will be responsible for the approval of work permits; the management of the National Jobs Clearing House, [and] a searchable database of all available jobs in the Cayman Islands. Job vacancies must be registered with the clearing house and listed online to allow Caymanians looking for employment to be aware of them and to register their interest in those jobs. This job posting will be a requirement prior to any work permit application being accepted or granted. This will help to achieve full Caymanian employment, which is

one of the undertakings of this Government's platform. Most of us on this side ran on the basis of achieving full Caymanian employment during this term.

The new Human Resources Department will also be responsible for continuing the Ready2Work and other apprenticeship programmes in partnership with the private sector, to provide Caymanian workers with the development of their skills, as well as assisting them to gain valuable work experience with local businesses.

Mr. Speaker, the Ministry of Immigration has already initiated a review of the Immigration Department. We did that in March, before the General Election and now, with recognition of this Government's priority to create a Human Resources Department, the review has been expanded, (we did this in June), to include the NWDA and the Department of Labour and Pensions.

To date, the review has progressed with wide public solicitation of input. This input has been received from the public, clients of the Government agencies, the Department of Immigration, NWDA and the Department of Labour and Pensions, the staff of the Departments and key stakeholders such as the Small Business Association, the Cayman Islands Tourism Association and the Chamber of Commerce.

This review is now in the organisation design stage, and I expect it to be concluded in October. The organisational changes along with the investment in infrastructure and resources necessary to create the Human Resources Department will take place by early to mid-next year. I should say that concurrent with this is the ongoing work to make a number of much-needed amendments to the Immigration Law and Regulations.

Mr. Speaker, to specifically address this Motion, which is rather dramatically entitled "Expatriate Workers Pension Exodus": the Government really has no basis on which to believe or perceive that there is going to be any such exodus other than what we have seen in the media. No data has been given to us about who is leaving or proposing to leave and from what industries or which businesses.

Mr. Speaker, I believe the fact that anyone who leaves on the basis that they want their current pension portfolio will have to wait two years before they can access it is going to mitigate the number of people who actually take that step because you have to get a job somewhere else while you await this windfall.

The Motion speaks about Government putting in place training programmes and a whole range of things. I do not know how Government could possibly gear up to do that:

- a) In the time that we have; and
- b) Without knowing what we are supposed to be training potential Caymanian [employees] to do

Mr. Speaker, the way we are looking at this is the same way we are looking at the whole issue of employment and underemployment of Caymanians more broadly. Namely, to seek to put in place measures and resources to give Caymanians the best possible opportunities they can have to access these jobs because they have the necessary training and education to do so; and for employers to recognise, in a way that seemingly many of them don't these days, that they have a duty and obligation to prefer Caymanians over others and not to swiftly conclude that because the Caymanian applicant doesn't meet every single one of the criteria, it means they are not trainable and should not be employed.

In the good old days, if I may call them that, there was the unwritten acknowledgement/acceptance by employers that the quid pro quo for a work permit was that you would take on and train Caymanians who did not necessarily have the wherewithal to do the particular job at the time, but who were certainly trainable. That is what we have to get the culture of employment in the Cayman Islands back to, and it is all part and parcel of what we are seeking to achieve.

Mr. Speaker, the rather detailed and required resources-heavy plan that has been proposed by the Member for Newlands is not something the Government is prepared to accede to. It will, without question, force us to divert needed resources that are working now, to develop the systems, programmes and legislative changes that I spoke about into something that is purely speculative at this stage. It seems from his speech that the principal concern of the Mover, the Member for Newlands, is to ensure that Caymanians get opportunities for these jobs; that it is not just an automatic grant of a work permit to replace the one that has gone.

Now, that is a legitimate concern, but I do not believe we need to resort to these extreme measures to achieve that. What we require is greater vigilance, greater scrutiny and perhaps more resources at the work permit application stage if it comes to that, that there are significant numbers of work permit holders who are moving on because they are upset or essentially wish to cash in on their pension contributions early.

Mr. Speaker, while I am on my feet talking about this, in my view, and I am not speaking for the Government at this stage, because I will make this clear: we have not taken a decision about this. I think we really have to look again at the whole pension legislation requirements and, particularly, the requirement that forces Caymanian employers to match six per cent of a work permit holder's salary, only for that work permit holder to leave the Cayman Islands in due course and go somewhere else, in the case, up until the 31st December cashing in on this windfall which has been supported.

Likewise, think again about whether we should insist—if people want to volunteer, that is okay;

but insist that work permit holders who do not want to make a pension contribution and employers who equally do not want to contribute to a work permit holder's pension should be forced to do so. If the individual settles in Cayman—in other words, gets permanent residence and therefore will be here foreseeably for the long term—that is another matter because this is a huge additional cost to employers, but it is also a significant administrative cost and problem to the country generally. Here we are, dealing with another issue in relation to it.

These are some of the things I think we need to be thinking about, and we certainly are thinking about them on this side. We talk about the cost of living and how hard it is for small businesses; this is one factor that contributes to all of those things.

Mr. Speaker, I probably have not given the Member for Newlands the answers that he wants, but I do hope that in the few minutes I have spoken, I would have conveyed to him the fact that the Government is alive not just to this particular issue but the whole issue of employment, pension, the concerns around small businesses and the cost of living, and all of these things and how interlinked all of them are.

Mr. Speaker, so that the Member is clear, the Government cannot see its way to supporting a Motion which would place this level of responsibility and add this amount of additional work to the work the respective Departments and the Ministry are already conducting with respect to more broadly seeking to resolve the Immigration with work permit and employment issues and challenges these Islands face.

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

The Member for George Town Central.

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

I want to say that I haven't had the opportunity to speak to my fellow Opposition Member, the Elected Member for Newlands, in respect to his Motion, so there have been no discussions for me to automatically support his Motion. I decided when I got all the Motions, as everybody now knows that I am no longer formally a part of the Opposition and I stand alone; so my contribution to this Motion, Mr. Speaker, will be merely observations and concerns because I was hoping that the Government could resolve what I see the Member for Newlands is trying to address.

Unfortunately, I don't think I heard what I wanted for me not to vote for this Motion. In my view, from what I heard from the Deputy Opposition Leader, he sees an opportunity to decrease the level of unemployment among Caymanians because a major sector of our society has given us indication that there will be a "mass exodus" of workers; and if we are not going to listen to the employers about the facts and evidence they see, who else can we get that information from?

Mr. Speaker, the Honourable Premier, and by all means, I am definitely not trying to get in a difficult position with this Administration; I understand my position as Opposition Member and there has to be some leniency to discussions in order for me to get a little something myself. Ultimately, my job is to get things done for George Town Central, so I am not trying to pick a fight. I want to make that clear.

However, I have due responsibility for each Motion that comes, to address points that have been said and positions that have been brought by the Movers of each Motion. Hence, I am concerned, Mr. Speaker, when the Premier says it's purely speculative. Who else can we depend on for the information that there is going to be a large number of employees leaving this country as a result of the changes in the Pension Law, other than the employers?

You have a major association in this country, the Chamber of Commerce, that has publicly said that this is a problem and it will basically affect [sic] the employees to leave. We take advice from the Chamber of Commerce on everything else, so Mr. Speaker I personally believe it is wrong for the Premier to say it is purely speculative. They are the only authority in this country at this particular point, to give us some sort of indication whether or not a large number of people are going to leave this country as a result of this pension move.

We have no other data collection process to find out and I think what the Mover of this Motion is ultimately saying [is] that there are not many opportunities for Caymanians to try and get themselves in the door, so if there is a potential chance to grab hold of an opportunity of a large number of people to leave, why not at least try? The Honourable Premier, Alden McLaughlin suggested just yesterday that the Opposition must present viable options rather than these wish lists. I think the Mover of this Motion is trying to do that and it has to be recognised, Mr. Speaker.

Now, in my view, the Motion is asking for a lot and I didn't expect the Government to accept it, but I expected them to at least consider some opportunities where they can at least get some investigation into it. The fact that the Premier said there is no data given to his administration... how about getting up, going out and getting the information? Are you expecting the business community to come and hand you a document and say: *hey, we went around to the business community and these are the numbers of people who have decided to leave this country.* You cannot accuse the Opposition of not trying to do something, but then expect everybody else to do it for you.

Mr. Speaker, I really did not want to get in an argument, for lack of a better word, with the Government but I find—

[Inaudible interjection]

Mr. Kenneth V. Bryan: That's alright; I am okay with that. I am true to myself.

I find that the Member is really trying to find a solution because all that many, many Caymanians talk about on the same social media is work, work, work. When the Mover of this Motion, (the Deputy Opposition Leader, the Elected Member for Newlands) posted this Motion on his Facebook page, I read the comments. I saw the traffic on social media, so I know many people admire this Motion's attempt; hence, there has to be some level of credibility given to the Motion in respect to whether something can be done before the opportunity is lost.

Something else really worries me, Mr. Speaker, and it takes me back to 2012, right before the Progressives gave me the opportunity to start in this world of politics. When negotiating what needed to be in our manifesto—the Progressives are well organised—we discussed the very point the Premier just highlighted; the potential opportunity to consider not allowing work permit holders to pay pension.

Now, I have to agree with the Honourable Premier that, yes, it is burdensome on many businesses because it is a cost and every cost is transferred to the consumer; however, unless the Honourable Premier and his Administration are also going to take off pension for Caymanians, I don't think he should have said it at all. The reason being you cannot give more of an advantage to the business community to hire foreigners over Caymanians because what you are saying is that it is cheaper to hire a foreigner because you will have to pay pension for a Caymanian.

[Crosstalk]

Mr. Kenneth V. Bryan: Mr. Speaker, I expressed the point back in 2012 that I would not support anything that makes it cheaper for people to hire foreigners; and obviously, we cannot take away the Pension Law from Caymanians because the reason for it in the first place is to protect them when they get to retirement age, so I am concerned about that viewpoint. I am happy the Administration at least considers it a problem, but I definitely do not think it is a solution.

Therefore, Mr. Speaker, out of mere respect for the Deputy Opposition Leader and his attempt to say there is an opportunity here, can we seize it? Even if it is just a team that goes out to the business community and asks: *how many people do you expect?* Even to collect the data, because sometimes we can make better decisions based on data collection. Even in the attempt of the Motion doing that, I will have to support my Member of the Opposition, the Deputy Opposition Leader, Alva Suckoo.

I must say I am not satisfied with the response to this Motion given the Member was merely trying to seize an opportunity for Caymanians to have a better chance at jobs, when we know they are the ones who

are suffering the most in respect to the employment market.

Mr. Speaker, I will not add because I know it is late at night, but those are my contributions.

Thank you, sir.

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

The Member for Bodden Town West.

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

I wasn't planning on speaking to this Motion, Mr. Speaker, except to record within the answer that whoever wants to take their pension money and go, can go.

[Laughter]

Mr. Christopher S. Saunders: There are six to seven flights leaving daily, and I don't have any problem with anyone wanting to leave because at the end of the day, I have always said it and I will say it again: our people can no longer take the view that people who come here to earn money will somehow turn into nation builders. The only persons who will build our nation for us will be ourselves.

What I can say, Mr. Speaker, is that I am encouraged by what the Premier said concerning taking the pension off the expats. I think it is definitely something we need to consider.

[Inaudible interjection]

Mr. Christopher S. Saunders: Yeah. Well, no, no. I think it is definitely an idea worth exploring and something we definitely should be looking at because:

1. It drives up the cost of doing business; and
2. I think we have now built a sufficient pension fund — I think it is in excess of \$1 billion and we need to start looking at ways in which we can reduce business.

Taking into consideration what Mr. Bryan said, we may also want to consider something similar to social security whereby, rather than giving the employers back the full five per cent maybe we could hold back one per cent and start creating a Caymanian safety net, which is missing from our economy. I think we need to start looking at something that when people have difficulties, loss of jobs or any little thing like that, it does not just become a social welfare type of thing, but at least a safety net.

I think the idea is definitely worth exploring and will be keenly looking out and curious to see what the Government will come back with but if it is something along that line, I think I can support taking it off.

Thank you.

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

May I call on the Mover?

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Thank you, Mr. Speaker. I would like to thank all Members who offered their opinions or some debate on this Motion.

Mr. Speaker, I listened to the Premier outline some of the objectives that were discussed in the SPS and maybe we are just not communicating well, because I think I acknowledged earlier that I support everything being put forward—

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: To the extent that I feel proud because quite recently I brought a Motion in this honourable House to make it mandatory to register all employment vacancies with the NWDA and I am pleased to see that is being done; it is something I have been pushing for and supporting for quite some time.

What confuses me a bit, Mr. Speaker, is the Premier's response that I am asking for a lot of work to be done, when in reality it is not. It just needs someone to do it.

[Crosstalk]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: All I am asking for, Mr. Speaker, is for the Government to ask businesses to provide the information on who intends to leave as a result of this pension change.

The businesses must have some idea because they are the ones raising the alarm; we [can] completely ignore them, but the problem will be two/three months from now, Mr. Speaker, when the pressure is put on this Government to provide labour quickly to replace those who are leaving or have left and that can only be done—

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: It won't be the same process because the business community will put pressure on the Government for work permits.

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: What you are seeing here is how this Opposition would deal with this, so the Opposition wouldn't respond by granting work permits either; however, we have to be cognisant of the businesses' needs. Again, the Motion is only asking that all affect-

ed businesses begin registering those vacancies in the NWDA's job database. That is entirely possible right now; there is no work involved. Just give them their credentials to log in and it can be done. Companies are doing it now, so there is no work there.

A recruitment drive would be fairly simple to orchestrate. As those jobs start appearing on the NWDA database you merely need to point Caymanian jobseekers to the database. *Go and register as a jobseeker.*

In terms of difficulty in providing training for Caymanians who are interested in these jobs, the NWDA is already set up to perform that function. When a Caymanian registers as a jobseeker who requires assistance, they are evaluated. They are assessed for their skill level and recommendations are made as to what training they possibly need.

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: That was my understanding of the operation during my time as NWDA Chairman. If that is not happening now, that is another issue entirely.

[Crosstalk]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Now, the NWDA may not fund the training, but their role is to identify the skill gaps and make recommendations, and if that is not happening, that is another issue we have to deal with because it is a performance issue.

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Exactly, because we have Finance Committee coming up. If the NWDA cannot account for the resources they have been given and the outputs expected, then...

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: That's another concern, Mr. Speaker.

We don't know which Caymanians out there are eligible for these positions because Caymanians are not going to the NWDA database in mass and registering as jobseekers, but I can guarantee you once the jobs are in there, they will come. Ninety per cent of the complaints I get is that they log on and cannot find the jobs.

Mr. Speaker, the reality of life in the Cayman Islands is that, as much as we have done legislatively to protect Caymanians, as many policies that have been put in place, Caymanians are still not getting fair treatment in many cases.

I really don't think these recommendations are extreme, Mr. Speaker. Again, they don't require much effort or resources. What I am recommending is that existing technology and resources be utilised in the short term to try to extract as much benefit for Caymanians as possible.

Mr. Speaker, the Member for George Town Central did not exaggerate when he said there was a lot of activity on my social media when I posted this Motion. There is a lot of support from Caymanians who want to see this done.

The Government's plans to revamp, create an HR Department, move the work permit function, become more effective in vetting work permit applications, and ensure that Caymanians get opportunities are only the beginning. The window is too short for this particular issue to be addressed through those changes, so some focused effort has to be made to ensure that everything that can possibly be done is being done. It must be better than waiting for what I predict will be an increased number of work permit applications in a few months from now. It really cannot be that difficult to sit down with the Chamber of Commerce and ask them to provide a list of expected vacancies. If they cannot provide that, then we can possibly ignore the threatened exodus.

What I would hate to see, Mr. Speaker, is that we don't take this problem seriously and a few months from now, it is too late for Caymanians to take advantage of the vacancies. We know that it takes two to three months to properly recruit for a mid-level position, and I have no doubt that some of these individuals who plan to leave and take their pension work for companies that have offices overseas. They will transfer to another jurisdiction for two years, get their pension money, and return with an economic benefit that will give them another advantage over Caymanians. They would have taken the cash out of their pension and come back here in a much better financial position than most of us.

I urge caution, Mr. Speaker, in considering making changes to the pension regime, whereby you don't have to pay pension for expatriate labour.

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: I agree with the Member for George Town Central that it will reduce the cost in comparison to hiring a Caymanian because you would still pay pension for your Caymanian employees.

I think most of the Members of the Opposition would entertain a variation of that where, if you come here on a fixed-term, non-renewable permit and agreed that you are here for that fixed-term, non-renewable permit, then we don't have to pay pension; but, other than that, I would urge extreme caution because Caymanians really don't need another hurdle

placed in front of them when it comes to finding employment in this country.

The Premier talks about the lack of data, and I agree with him; there is a lack of data and it concerns me, but my fear is that a few months from now, we will get that data on a work permit application and we will still be in the same position where Caymanians have not benefited from these vacancies.

Mr. Speaker, I am a bit disappointed that the Government is not going to at least consider what I have recommended here tonight, but I am getting used to the rejection. I am starting to expect it, Mr. Speaker, because I understand why this Member, in particular, cannot be seen to be supported by the Government. I understand, but I would urge the Government to bear in mind that when you punish me, you are punishing the people of Newlands, and I will remind them of that in four years.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: The question is, "BE IT NOW THEREFORE RESOLVED that the Government considers immediately putting the following plan in place to address the concerns raised by the potential 'expatriate workers exodus' from the Cayman Islands:

1. Require all affected businesses to provide the Government with a detailed listing of those vacancies that will be created by the 'expatriate exodus';
2. Require all affected businesses to immediately register these vacancies on the NWDA jobs database;
3. Embark on a recruitment drive in partnership with the affected businesses encouraging interested Caymanians to register and apply as jobseekers;
4. Identify those Caymanians who can be upskilled and trained either on the job or in the period leading up to the expatriates' departure date, and ensure that they receive the necessary training and support to be able to successfully perform in the positions;
5. Ensure that the Immigration department can access the vacancy and job seeker information to ensure that work permits are not being granted when there is a potential Caymanian applicant available.

AND BE IT FURTHER RESOLVED that the Government considers creating a special purpose multi-agency management team who will oversee the process and ensure adherence to the strict time-lines and requirements;

AND BE IT FURTHER RESOLVED that the Government considers immediately putting in place policies and directives in the Immigration department, and by extension the work permit board, to ensure

that no work permit is granted to fill a vacancy caused by the "Pension Exodus" which has not been identified as such, and registered with the NWDA."

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

AYES and NOES

The Speaker: The Noes have it.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Mr. Speaker, can we have a division please?

The Speaker: Clerk.

Division No. 6-17/18

AYES: 6

Hon. D. Ezzard Miller
Mr. Alva H. Suckoo, Jr
Mr. Kenneth V. Bryan

Mr. Anthony S. Eden
Mr. Christopher S. Saunders
Mr. V. Arden McLean

NOES: 10

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Juliana Y. O'Connor Conolly
Hon. Dwayne S. Seymour
Hon. Roy M. McTaggart
Hon. Joseph X. Hew
Capt. A. Eugene Ebanks
Ms Barbara E. Conolly
Mr. David C. Wight
Mr. Austin O. Harris, Jr.

Absentees: 2

Hon. Tara A. Rivers
Hon. Bernie A. Bush

The Speaker: The results of the Division are: 6 Ayes, 10 Noes and 2 absentees. Motion No. 6 is negated.

Negated by the Majority: Private Member's Motion No. 5/2017-2018, Expatriate Workers' Pension Exodus, failed.

[Pause]

PRIVATE MEMBER'S MOTION NO. 6/2017-2018— IMMIGRATION AND LABOUR REFORM SELECT COMMITTEE

The Speaker: The Elected Member for Bodden Town West.

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

Private Member's Motion No. 6/2017-2018—Immigration Labour Reform Select Committee:

WHEREAS there is much concern about the lack of fair opportunities for Caymanians in the work place;

AND WHEREAS there is concern among Caymanians that there are too many work permits for jobs that Caymanians can do;

AND WHEREAS the work permit fees charged in some positions do not reflect market conditions of supply and demand;

AND WHEREAS we must plan and make available positions for future generations of Caymanians;

BE IT THEREFORE RESOLVED that this Legislative Assembly considers establishing a Select Committee of six members, four from the Government and two from the Opposition, to review the current legislation, regulations, and policies with a view of ending cheap labour; identifying jobs that should be reserved for Caymanians; and protecting Caymanians from unfair employment practices before May 31, 2018.

The Speaker: Is there a seconder? The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I beg to second the Motion.

The Speaker: The question is: "BE IT THEREFORE RESOLVED that this Legislative Assembly considers establishing a Select Committee of six members, four from the Government and two from the Opposition, to review the current legislation, regulations, and policies with a view of ending cheap labour, identifying jobs that should be reserved for Caymanians, and protecting Caymanians from unfair employment practices before May 31, 2018."

Does the Mover wish to speak to the Motion?

Mr. Christopher S. Saunders: Yes, Mr. Speaker.

Mr. Speaker, as I said yesterday, being a first-term Elected politician, there are some things in this country that we should not play politics with but try as best as we can to find a solution for what is necessary.

During the break, I had the opportunity to speak with the Premier and I understand the Government does have a plan within the broad outcomes in their SPS to start looking at some of these issues. I also understand they have employed a professional services firm to start looking at these things. Something we don't want to do is duplicate efforts and wherever we can work together, we work together to make sure we can get it done.

The Premier has assured me that he is interested in supporting this, but not within the constraints of a formal select committee. He is willing to reach across the aisle and work with the Opposition in this regard and as such, I welcome the Premier's honourable intentions and look forward to working with the Government.

I therefore seek the leave of the House to withdraw the Motion at this time, Mr. Speaker.

The Speaker: Seconded.

Mr. Anthony S. Eden: I will second the Motion.

**WITHDRAWAL OF PRIVATE MEMBER'S
MOTION NO.6/2017-2018**

The Speaker: Seconded by the Member for Savannah, the question is that Private Member's Motion No. 6 be withdrawn under Standing Order 24(14).

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

AYES.

The Speaker: The Ayes have it.

**Agreed: Private Member's No. 6/2017-2018—
Immigration and Labour Reform Select Committee
withdrawn.**

[Pause]

Mr. Kenneth V. Bryan: Mr. Speaker.

[Pause]

The Speaker: Members having voted Ayes and Noes the Motion is therefore withdrawn. I recognise the Elected Member for George Town Central.

Mr. Kenneth V. Bryan: Mr. Speaker, I do apologise for my lack of understanding of the Standing Orders at this particular point, being my second day in Parliament, but I have to respect the seniority of my colleague, Mr. Arden Mclean, who highlighted a very important point which I am concerned may affect the two Motions I have, with the intention of having them withdrawn once I lay them on the Floor of the House.

With his experience, he advised me that the Standing Orders mandate there be a seconder to withdraw. Unfortunately, we did not have a seconder when I asked the House for leave of the Motions. Out of the abundance of caution, I am asking whether there is concern or if it matters in any capacity.

The Speaker: I am sorry; I took it that the Member for Newlands had seconded the withdrawal of your Motions.

[Crosstalk]

The Speaker: By the Member for Newlands; that's what I thought.

Mr. Kenneth V. Bryan: Mr. Speaker, just for clarity, what transpired was the Member for Newlands seconded the Motion for me to bring it, but did not second the Motion for me to withdraw it; the Member for East End is correct. I just want to ensure it is clear, in the event that it creates any havoc for the legislative proceedings.

The Speaker: Have honourable Members taken it that the Motions have been duly seconded?

[Inaudible interjection]

The Speaker: The Motion has been disposed of—

Hon. Julianna O'Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands: Mr. Speaker.

The Speaker: The Minister of Education.

Hon. Julianna O'Connor-Connolly: Mr. Speaker, perhaps if you would permit me.

The Member for East End's advice to the Honourable Member for George Town Central is correct but, as it has already been passed, and the will of the House did vote to accept it, thereby tacit support has ignored a procedural technical difficulty. Perhaps the lesson learnt is that whenever you bring a Motion, if you are not from the Government, you have to get a seconder. Hopefully that helps, Mr. Speaker.

The Speaker: Thank you very much, Honourable Minister of Education. I take it Members are satisfied that the Motions have been duly passed.

Madam Clerk.

**PRIVATE MEMBER'S NO. 7-2017-2018—
BANKING REFORM**

The Speaker: The Elected Member for Bodden Town West.

Mr. Christopher S. Saunders: Thank you, Mr. Speaker. Private Member's Motion No. 7/2017-2018—Banking Reform Select Committee:

WHEREAS there is much concern, about the fees that banks are charging to cash cheques and other simple risk-free transactions

AND WHEREAS there is concern among all Caymanians that interest charged on loans can change unilaterally with short notice and without a clear framework;

AND WHEREAS there are potential conflicts between banks, insurance companies, and some land valuers that may affect the consumer;

AND WHEREAS we must find a balance between what is fair to the consumer and what is reasonable for banking institutions

BE IT THEREFORE RESOLVED that this Legislative Assembly considers establishing a Select Committee of six members, four from the Government and two from the Opposition, to review the current policies and legislation governing banking, credit, regulatory capital of banks, and to make recommendation to implement and improve legislation and policies that will be fair and balanced to banks and their customers before March 31, 2018.

The Speaker: Is there a seconder for this Motion?
The Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I beg to second Motion No. 7/2017-2018.

The Speaker: Does the Mover wish to speak to the Motion?

Mr. Christopher S. Saunders: Yes, Mr. Speaker; thank you very much.

I also want to thank the Honourable Minister for Financial Services. During the break, we had a conversation with the Premier in attendance concerning the Motion and, similar to what I said a while ago, the Government is aware that there are challenges with regard to potential reforms within banking at an international level that would affect us locally. We discussed some of the actions that arise as a result of the 2008 financial crisis and also some of the recommendations that would be coming down ten years after the more difficult ones.

As the Government is willing to put a committee in place with the framework and work with the Opposition in terms of dealing with this issue, Mr. Speaker, I seek leave of the House to withdraw this Motion at this time.

WITHDRAWAL OF PRIVATE MEMBER'S MOTION NO. 7

The Speaker: We should get a seconder at this point in time.

Mr. V. Arden McLean: Mr. Speaker, I beg to second the Motion to withdraw this Motion.

The Speaker: The Motion is moved and seconded. The question is that Private Member's Motion No. 7 be withdrawn under Standing Order 24(14).

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

AYES.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion No. 7/2017-2018—Banking Reform withdrawn.

PRIVATE MEMBER'S MOTION NO. 8-2017-2018—AMENDMENT TO THE REGISTERED LAND LAW (2004 REVISION)

The Speaker: The Member for Bodden Town West.

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

Private Member's Motion No. 8/2017-2018—Amendment to the Registered Land Law (2004 Revision):

WHEREAS there is much concern over the ease in which homes are repossessed by financial institutions;

AND WHEREAS the values of homes are lost with little regards to equity as well as value to surrounding property;

AND WHEREAS there is widespread concern by all Caymanians for the lack of lending protection and insufficient time afforded to protect their homes as a result of personal misfortunes and unfortunate events;

BE IT THEREFORE RESOLVED that Government considers amending Section 72 (1) of the Registered Land law (2004 Revision) which now reads as follows:

"If default is made in payment of the principal sum or of any interest or any other periodical payment or of any part thereof, or in the performance or observance of any agreement expressed or implied in any charge, and continues for one month, the chargee may serve the chargor notice in writing to pay the money owing or to perform and observe the agreement as the case may be,"

To read as follows:

"If default is made in payment of the principal sum or of any interest or any other periodical payment or of any part thereof, or in the performance or observance of any agreement expressed or implied in any charge, and continues for three months, the chargee may serve the chargor notice in writing to pay the money owing or to perform and observe the agreement as the case may be."

AND BE IT FURTHER RESOLVED that the Government considers amending Section 72 (2) of the Registered Land law (2004 Revision) which now reads as follows:

"If the chargor does not comply within three months of the date of service, with a notice served on him under subsection (1), the chargee may appoint a receiver of the income of the charged property; or sell the charged property;

Provided that a chargee who has appointed a receiver may not exercise the power of sale

unless the chargor fails to comply, within three months of the date of service, with a further notice served on him under subsection (1)."

To read as follows:

"If the chargor does not comply within six months of the date of service, with a notice served on him under subsection (1), the chargee may appoint a receiver of the income of the charged property: or sell the charged property;

Provided that a chargee who has appointed a receiver may not exercise the power of sale unless the chargor fails to comply, within six months of the date of service, with a further notice served on him under subsection (1)."

AND BE IT FURTHER RESOLVED that the Government considers amending Section 73 (6) of the Registered Land law (2004 Revision) which now reads as follows:

"Subject to subsection (8), the receiver shall be entitled to retain out of any money received by him all costs, charges and expenses incurred by him as receiver, and, for his remuneration, a commission at such rate, not exceeding five per cent of the gross amount of all moneys received, as is specified in his appointment, or if no rate is so specified at the rate of five percent of that gross amount, or such other rate as the chargor and the chargee and other chargees, if any, agree or the court thinks fit to allow on application made by the receiver for that purpose."

To read as follows:

"Subject to subsection (8), the receiver shall be entitled to retain out of any money received by him all costs, charges and expenses incurred by him as receiver, and, for his remuneration, a commission at such rate, not exceeding three per cent of the gross amount of all moneys received, as is specified in his appointment, or if no rate is so specified at the rate of three percent of that gross amount, or such other rate as the chargor and the chargee and other chargees, if any, agree or the court thinks fit to allow on application made by the receiver, and notified to the chargee, for that purpose."

AND BE IT FURTHER RESOLVED that Government considers amending Section 75 (1) of the Registered Land law (2004 Revision) which now reads as follows:

"A chargee exercising his power of sale shall act in good faith and have regard to the interests of the chargor, and may sell or concur with any person in selling the charged land, lease or charge, or any part thereof, together or in lots, by public auction for a sum payable in one amount or by instalments, subject to such reserve price and

conditions of sale as the chargee thinks fit, with power to buy in at the auction and to resell by public auction without being answerable for any loss occasioned thereby."

Mr. Speaker, we wanted that section amended to read as follows:

"A chargee exercising his power of sale shall act in good faith and have regard to the interests of the chargor, and may sell or concur with any person in selling the charged land, lease or charge, or any part thereof, together or in lots, by public auction for a sum payable in one amount or by instalments, subject to a reserve price that cannot be below seventy per cent of the average of three valuations, one of which must be provided by the chargor."

The Speaker: Does the Motion have a seconder?

Mr. Anthony S. Eden: Mr. Speaker, I beg to second the Motion as read.

The Speaker: Is the mover speaking to the Motion?

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

Mr. Speaker, similar to my other two Motions, during the last break we had discussions with the Honourable Minister of Financial Services and the Honourable Premier and while they accept that, as a former banker I may have unique knowledge in this regard, the Government did ask for more time I guess to consider what the potential impact would be to changes of the Law [and] I don't think the request is unreasonable.

As I stated yesterday, I am cognisant that there are four new Members of the Government and the Government has been in place for just three months; therefore, one of the things we are agreeing to is to at least look at the framework of creating a proper Mortgage Law to protect consumers.

As the Government has given its commitment to work with the Opposition in looking at such legislation, et cetera, I seek the leave of the honourable House to withdraw the Motion at this time.

The Speaker: Is there a seconder?

The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I wish to second the Motion to withdraw the substantive Motion.

WITHDRAWAL OF PRIVATE MEMBER'S MOTION NO. 8

The Speaker: Honourable Members, the question is that Private Member's Motion No. 8 be withdrawn under Standing Order 24(14).

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

AYES.

The Speaker: The Ayes have it.
The Motion is therefore withdrawn.

Agreed: Private Member's Motion No. 8/2017-2018—Amendment to the Registered Land Law (2004 Revision) withdrawn.

The Speaker: Honourable Members, before we ask for the adjournment, I crave your indulgence to say that Members who served on the committee set up to advance a law for the administrative autonomy of the Legislative Assembly are asked to attend a meeting set for Monday, 28th August at 10:00 am to review the Draft Consultative Bill.

[Inaudible interjection]

The Speaker: No. Those Members who served on the Committee set up to advance a law for the administrative autonomy of the Assembly are reminded of a meeting.

[Pause]

The Speaker: I am reminding Members of a meeting and you should get that by tomorrow morning, I hope, if they haven't gotten it.

That meeting is set for Monday, 28th August at 10:00 am and the purpose is to review the Draft Consultative Bill.

Mr. V. Arden McLean: The committee has not authority, it fell away.

[Crosstalk]

The Speaker: Just let me explain. The committee fell away when the House was prorogued and we do have a Draft Bill. We are going to set up the new committee in the October meeting, God's willing, but I am asking those persons who served on the committee that fell away to come back to an ad hoc committee meeting set for Monday, 28th August at 10:00 a.m. Is what we are trying to do clear?

Hon. D. Ezzard Miller, Leader of the Opposition: Just to say, Mr. Speaker, that I already have a very important meeting for 10:00. Is it possible to meet at 11:00? My meeting should not be more than 30-45 mins.

The Speaker: With the consent of Members, we can set the meeting for 11:00 a.m. on Monday. As I said, it will be an ad hoc committee because that committee

fell away [and] we will set up a new committee when the house is called in October, God's willing.

The Honourable Minister of Health.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing: Mr. Speaker, I just want to make a plea to this Honourable House.

It has been three months to date since we have been elected, and it is quite unfortunate that we are unable to get a picture. I have been wearing a special suit—

[Laughter and desk thumping]

Hon. Dwayne S. Seymour: For some time now, and I have been trying to hold a smile for two days, so—

[Laughter]

Hon. Dwayne S. Seymour: If this could be organised, I would appreciate it; thank you.

[Laughter and desk thumping]

The Speaker: I am glad we are ending in such levity.

I think the Cabinet Office organised it, but some Members were not ready. I thought they were going to put it off until October, but if we are going to do so—

An. Hon. Member: Tomorrow.

The Speaker: Tomorrow, then?

Mr. Christopher S. Saunders: I am not here.

[Inaudible interjection]

The Speaker: Alright, Honourable Premier, will you remind the Cabinet Secretary?

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I don't think I should do this, sir, because I tried the last two times and it has not ended well.

The Speaker: Honourable Members, do we wait for the State Opening? I know some Members feel like it is a long time, but do we wait for the State Opening?

Mr. Christopher S. Saunders: Give me a chance to lose some weight, Mr. Speaker.

[Crosstalk]

Mr. Kenneth V. Bryan: Mr. Speaker.

The Speaker: The Member for George Town Central.

Mr. Kenneth V. Bryan: I just rise to recognise the fact that one of our Members is not on Island at the moment. I am not aware of when he is back, but I would hate for him to lose out on the opportunity if, in fact, we choose for it tomorrow. He is not on the Opposition side, but he is my colleague, and I would not want him to miss out.

[Pause]

The Speaker: I take it that Members agree that we will wait until the State Opening, God willing, in October.

Mr. V. Arden McLean: That's a long time to hold that *[Inaudible]*

[Laughter]

The Speaker: Premier, the Adjournment.

Mr. V. Arden McLean: New suit too.

Mr. Christopher S. Saunders: John-John, give me a chance to take off these ten pounds I put on.

[Laughter]

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

Mr. Speaker, before I move the adjournment, just to advise Members, there are a significant number of answers to parliamentary questions on tomorrow's Order Paper, so those will be dealt with. We have three Supplementary Appropriation Bills to clean up a supplementary appropriation that was made by Cabinet under Section 11(5) in previous years; and the Finance Committee will have to consider a Section 12 supplementary appropriation request as well, with respect to the current budget.

That is the business for tomorrow and we can—

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Expect the House to start at the usual 10:00 a.m. Once the Business of the House is complete and the Supplementary Appropriation Bills are moved, the House will resolve into Committee to consider the supplementary appropriations in due course.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: I am being reminded by the Member for East End that there are some regulations as well.

I remember them coming down; I am not sure what their status is, but we will resolve all of that. I am

not going to try to do that by speculation, so we will resolve all of that—

[Inaudible interjection]

The Speaker: I am sure that the House will have the Agenda, and those items that the Government has ready to dispense with will be set down therein.

ADJOURNMENT

The Speaker: Premier, would you move the adjournment?

The Premier, Hon. Alden McLaughlin: Mr. Speaker, with that, I move the adjournment of this honourable House until 10:00 a.m. tomorrow morning.

The Speaker: All those in favour, please say Aye; those against, No.

AYES.

The Speaker: The Ayes have it.

This honourable House now stands adjourn until 10:00 am tomorrow morning, God's willing.

At 9:05pm the House stood adjourned until 10:00 a.m., Friday, 25th August, 2017.