



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

First Meeting of the 2020/2021 Session
Seventh Sitting

Friday
23 October 2020
(Pages 1-40)

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

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PRESENT WERE:

SPEAKER

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

MINISTERS OF THE CABINET

Hon. Alden McLaughlin, MBE, JP, MLA	<i>Premier</i> , Minister of Employment, Border Control, Community Affairs, International Trade, Investment; Aviation and Maritime Affairs
Hon. Moses I. Kirkconnell, JP, MLA	<i>Deputy Premier</i> , 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

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

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

OPPOSITION MEMBERS

INDEPENDENT MEMBERS

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

APOLOGIES

Hon. Tara A. Rivers, JP, MLA	Minister of Financial Services and Home Affairs
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**OFFICIAL HANSARD REPORT
FIRST MEETING 2020/21 SESSION
FRIDAY
23 OCTOBER 2020
11:25 A.M.
Seventh Sitting**

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

The Speaker: Good morning.

I will call on the Elected Member for George Town Central to grace us with prayers.

PRAYERS

Mr. Kenneth V. Bryan, Elected Member for George Town Central: 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, the Chief Justice and the Members of the Judiciary, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

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

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

The Speaker: Please be seated.

This Honourable Legislative Assembly has resumed its Sitting. 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**

Annual Report

**Cayman Turtle Conservation and Education
Centre Ltd. (CTCEC) for the 18-month
period ended 31st December, 2017**

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Financial Statements

**Cayman Turtle Conservation and Education
Centre Ltd. for the year ended 31st December, 2017**

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Annual Report

**Cayman Turtle Conservation and Education
Centre Ltd. (CTCEC) for the 12-month period
ended 31st December, 2018**

~

Financial Statements

**Cayman Turtle Conservation and Education
Centre Ltd. for the year ended December 31st, 2018**

~

Annual Report

**Cayman Turtle Conservation and Education
Centre Ltd. (CTCEC) for the year ended
31st December, 2019**

~

Financial Statements

**Cayman Turtle Conservation and Education
Centre Ltd. for the year ended December 31st, 2019**

The Speaker: The Honourable Deputy Premier, Minister of Tourism.

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

Mr. Speaker, in accordance with section 52(8) of the Public Management and Finance Law, I beg to lay on the Table of this honourable House the Annual Reports and Audited Financial Statements of the Cayman Turtle Conservation and Education Centre Ltd., for the 18-month fiscal period ended 31st December 2017, and two 12-month fiscal periods ended 31st December 2018 and 31st December 2019, respectively.

The Speaker: So ordered.

Is the Minister speaking thereto?

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

Mr. Speaker, just to say that for the financial statements that accompany the annual reports for all these fiscal periods, there were unqualified audit opinions, with the latest opinion having been signed off by the Auditor General on the 14th of May 2020.

Mr. Speaker, the Auditor General found that the financial statements present fairly in all material respects the financial position of the company as at 31st December 2019, and its financial performance and its cash flows for the year ended 31st December 2019, in accordance with international financial reporting standards. The audit opinions for both the earlier fiscal periods 2017 and 2018, have the same wording.

Thank you.

**Cayman Islands CINICO National
Insurance Company Annual Report 2019
Opening Doors to Wellness for our Members**

The Speaker: The Honourable Minister of Finance.

Hon. Roy M. McTaggart, Minister of Finance and Economic Development, Elected Member for George Town East: Thank you, Mr. Speaker. Good morning.

Mr. Speaker, I beg to lay on the Table of this honourable House the Annual Report of the Cayman Islands National Insurance Company (CINICO) for the year ended 31st December 2019.

The Speaker: So ordered.

Is the Honourable Minister speaking thereto?

Hon. Roy M. McTaggart: Very briefly, Mr. Speaker. I thank you for the opportunity.

Mr. Speaker, on the 30th April 2020, the Auditor General issued an unmodified opinion with an "emphasis of matter" on CINICO's financial statements for the year ended 31st December 2019. The unmodified audit opinion signifies that the information

contained in the financial statements is materially correct and can be relied upon.

Mr. Speaker, the Annual Report contains a wealth of information on CINICO's activities, achievements, goals, and objectives for the year ended 31st December 2019; however, I will only focus on the financial highlights for the period.

Mr. Speaker, the emphasis of the matter paragraph issued by the Auditor General was in relation to CINICO not being compliant with the Prescribed Capital Requirement (PCR) at the end of the 2019 financial year. As a Class-A insurance company, the Insurance (Capital and Solvency) (Class-A Insurers) Regulations, 2012 or "the regulations", require CINICO to maintain an adequate amount of capital in order to pay its medical claims and meet other business commitments and obligations. The PCR, along with the Minimum Capital Requirement (MCR), is based on formulas that use risk and asset factors for various balance sheet items to maintain prescribed margins on policy liabilities and net written premium.

At the end of the 2019 financial year, CINICO had \$13 million in available capital and was compliant with the minimum capital ratio, which is calculated at \$10.9 million; however, CINICO was below the PCR calculation by half a million dollars. The reason for CINICO not being compliant with the Prescribed Capital Ratio was due to a change in an accounting standard, IFRS-16, accounting for leases, which imposed an additional capital burden of \$800,000.

For the year ended the 31st December 2019, CINICO earned \$95.7 million income, the majority of which was derived from premium income for civil servants, civil servant pensioners, seafarers, and veterans. CINICO incurred \$96 million in total expenses, of which \$90.7 million or 94 per cent was for the payment of incurred claims, which are essentially the health benefits paid under the various insurance plans that CINICO underwrites.

Mr. Speaker, CINICO continues to incur increased medical claims that are primarily due to the growth in the number of members. Compared with 2018, the civil servant group grew by three per cent, while statutory authority, government companies, and indigents grew by four per cent and eight per cent respectively. Except for U.S. claims, claims payment functions are performed locally, resulting in a dramatic improvement of claim paid turnaround times to the benefit of members and providers. Total claims submitted increased by 19 per cent in 2019; of the total 2,019 claims count of 323,395, the overall average turnaround time to pay claims was seven days.

Mr. Speaker, for the year ended 31st December 2019, CINICO recorded a net loss of \$0.3 million compared with a 2018 net loss of \$6.9 million. The dramatic improvement is primarily due to full actuarial premiums now being paid and applied in 2019. At the end of the 2019 financial year, CINICO's assets totalled \$23.3 million while liabilities totalled \$9.6 million.

Mr. Speaker, on behalf of the Government, I wish to express our gratitude to the staff and management of CINICO, along with the Board of Directors for their work, support, and assistance during the period under review.

Thank you, Mr. Speaker.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: The Member for George Town Central, question number 15.

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

I do believe, according to the Standing Orders, there is supposed to be an appropriate Standing Order for the time.

The Speaker: Yes; Honourable Premier, can you move the relevant Standing Order to allow for questions after 11 a.m.?

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

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

Mr. Speaker, I beg to move the suspension of Standing Order 23(7) and (8), in order that questions may be asked of Ministers after the hour of 11 o'clock.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to take questions after the hour of 11 a.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: The Member for George Town Central continuing...

QUESTION NO. 15 UPDATE ON THE MINIMUM WAGE REVIEW

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

Standing in my name, I rise to ask question No. 15 on the Order Paper:

Can the Honourable Minister provide an update on the minimum wage review?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the answer:

From 2019, the Ministry of Employment and Border Control has been in consultation with the International Labour Organisation (ILO) on the matter of a minimum wage review and building local capacity on labour market information systems and processes.

As a result of this ongoing strategic regional partnership, WORC [Workforce Opportunities & Residency Cayman] staff were able to take advantage of professional development and training opportunities hosted by the ILO that have assisted the Department in developing a strategic plan for the Labour Market and Demands Unit.

Prior to the COVID-19 pandemic, good progress had been made with the ILO in commencing the process of a minimum wage review, and key deliverables had been identified, including assessing the following:

- The impact of the establishment of a minimum wage;
- The effectiveness of a minimum wage regime; and
- The effect of the minimum wage on employment.

In order for the ILO to effectively assess the impact the minimum wage regime has had on employment levels, a series of reports, surveys, budget documents, et cetera, were provided to assist with conducting a country analysis; however, as a result of challenges stemming from the pandemic and re-prioritising national strategies, the Ministry has not been able to consistently engage with the ILO to further progress the review process.

Nevertheless, building local workforce resiliency remains one of the government's priorities. For that reason, the ministry will continue collaborating with the ILO and other stakeholders in furtherance of the programme of work involved in conducting a review of the minimum wage.

The Speaker: The Member for George Town Central, supplementary.

Supplementaries

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

Can the Honourable Minister say exactly what the obligated time is according to law or regulations before the review has to be completed?

[Pause]

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, if we could have a moment. I want to be absolutely accurate in the response.

[Pause]

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I do not have the answer readily available. I do not know whether the Member has any other supplementaries.

The Speaker: The Member for George Town Central.

Mr. Kenneth V. Bryan: Mr. Speaker, I am at your mercy regarding how to handle this because the answer is very, very important to the minimum wage review; but I will ask another question.

The Speaker: If you have another supplementary, proceed. As soon as the Premier gets —

The Premier, Hon. Alden McLaughlin: Mr. Speaker [we can provide the answer in writing, or we can let him know another time](#), but I do not think we should hold up the business of the House on that question.

The Speaker: Yes.

The Premier, Hon. Alden McLaughlin: The matter is in a document somewhere; in any event, I think it is in the public domain. I just do not have it with me.

The Speaker: Understood, Honourable Premier.

Honourable Premier, what we are doing is allowing him to go ahead with any [other] supplementary. In the meantime, if you are able to answer the question, you can; if not, you can take it as you need to.

The Speaker: The Member for George Town Central

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

I want to thank the Minister. I must say that I have tried to find every document relating to that answer, and it does not seem to be anywhere within the law, which I reviewed this morning; that is why I am asking, not to make the Government have any extra work.

It was said in the answer that the key deliverables that were identified for review were the impact of the establishment of minimum wage, the effectiveness of minimum wage [and] the effect of minimum wage on employment. Can the Minister say if there is any particular reason why those three areas were selected? It sounds to me like there is an investigation into the potential chance of withdrawing minimum

wage altogether. I just do not understand the logic for why these particular areas were investigated.

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker as we have indicated, this matter has been the subject of much dialogue with the International Labour Organisation as we seek to build our own expertise and capacity to deal with labour-market issues and demands.

Mr. Speaker, the Government I have the honour to lead was the first in the history of these Islands bold enough to introduce a minimum wage, even though the law had provided for it for many, many years. That should say something about our commitment to it. As I pointed out over and over in the course of the last few months, as we discussed various matters here: I know things are very well in Cayman, and it is tempting for Members to believe, because we are living in something of a bubble, that there is not massive disruption all around the world and indeed to economies and to the capacity of organisations, countries and governments to respond to issues, so the fact that the ILO has not been able to help us move this along over this period should not be a surprise.

Also, Mr. Speaker, this Government, in particular this Department, has been under incredible stress and is still under incredible pressure doing everything we can to keep as many Caymanians employed as possible; so, I think it is unreasonable to expect that it would be business as usual in the current environment but that is not to be interpreted as any lack of commitment not just to the establishment of a minimum wage—which we have already done—but, indeed to the review of the minimum wage, not just in due course, but as quickly as circumstances permit.

The Speaker: The Member for George Town Central.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker, and I thank the Minister for highlighting that information because I do understand the difficulties the Government is going through.

I just have a bit of an issue because we all know that the pandemic started around February or March of this year. This law was enacted on the 1st of March and passed in this honourable House in February of 2016. That means it would have been three years before the pandemic actually started, and if my memory serves me well — and that is the reason I asked the previous question — they were obligated to have a review ready two years after the implementation, so they were already one year late before the pandemic even started.

The Speaker: The question...

Mr. Kenneth V. Bryan: Well, Mr. Speaker, I was only responding to the Premier's statement.

The Speaker: No, the question.

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

My question is: Can the Government give an estimated time as to when the country will see a new minimum wage?

The Speaker: Premier.

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

Mr. Speaker, I hope this helps:

In February 2015, the Minimum Wage Advisory Committee recommended that a review of the minimum wage by technical experts be conducted on an annual basis; however, as the Minimum Wage Advisory Committee noted in the report, this review may not result in an increase in the minimum wage on an annual basis but rather, it is to ensure that the minimum wage is serving its purpose.

The minimum wage came into effect on the 1st of March 2016, so its anniversary would have been March 2017, prior to the last general.

The Minimum Wage Advisory Committee recommended that minimum wage reviews should not occur during an election year but in between electoral cycles. It also recommended that reviews be conducted once the most recent relevant statistics become available.

[Pause]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, a technical review was completed at the end of 2018.

It was recommended by the Minimum Wage Advisory Committee that a comprehensive review should occur every four years, as this will require a review of the minimum wage fixing procedure and the minimum wage fixing criteria in order to identify reforms to improve the process and to ensure the minimum wage is still effective. The full report, that is the comprehensive review, would have been expected during this year 2020, which would be four years from the coming into effect of the first minimum wage on the 1st of March 2016.

I hope that helps, Mr. Speaker.

The Speaker: The Member for George Town Central.

Mr. Kenneth V. Bryan: I think it helped a little bit, Mr. Speaker, but I am a bit confused and hopefully the Premier can help clarify.

In his reading, he said the Minimum Wage Committee advises that we should not have a review or change — I do not want to misquote — through an election year...

The Premier, Hon. Alden McLaughlin: In an election year.

Mr. Kenneth V. Bryan: In an election year, but it says to have it done every four years. This was done in 2016, we are now in 2020, so we do not have the review now; we are definitely not having it next year based on the election element — are we saying that we are not going to have a review until 2022?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am not saying any such thing. I am simply reading what was given to me as the position.

As I said, the Member continues to operate as though the world is as it has ever been; that there is no disruption, that there are no additional challenges that not just this government, but every government in the world and every organisation in the world are grappling with. Had we not had COVID, we would have been in the process of having this report done because this is not an election year; next year is an election year. I cannot speak about what is going to happen next year, Mr. Speaker. I am not in control of that, and next year is indeed an election year.

The Speaker: The Member for George Town Central, this is the last supplementary.

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

It definitely has to be the last one, because I do not know what else to say; the Premier still has not given us the time. Is he saying the country will not know when the next minimum wage increase will be? That is all. I want him to give us the timeline. If he cannot, then say so.

The Premier, Hon. Alden McLaughlin: I say so, again, Mr. Speaker.

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: I am not God, Mr. Speaker. I cannot dictate what is going to happen with COVID-19, how well things are going to turn out, or how any government is going to be able to address these sorts of issues. In case the Member does not seem to appreciate it, we are doing everything we can to keep businesses operational, to keep people employed, to keep the unemployment rate from spiralling out of control. That is what we are trying to do. That is far more important at this stage than trying to address these particular issues about minimum wage.

The Speaker: Next question.

QUESTION NO. 16
NUMBER OF CAYMANIANS REGISTERED WITH
THE WORC DEPARTMENT SINCE MARCH 2020

The Speaker: The Member for Newlands, question No. 16.

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

Mr. Speaker, I would like to ask question No. 16 to the Honourable Minister for Employment.

Can the Honourable Minister state how many Caymanians have registered with the WORC Department as jobseekers since March 2020?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the answer:

Between March and September, WORC has registered 319 new Caymanian jobseekers for employment services.

For completeness, I would add that 1,183 Caymanians were registered from November 2019 to September 2020. The numbers of Caymanians WORC has placed in employment since March are as follows:

April to June 2020	200
July to August 2020	109
September 2020:	10 confirmed; 97 placements pending.

Supplementaries

The Speaker: The Member for Newlands.

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

Mr. Speaker, I wonder if the Minister could let us know some of the difficulties faced by WORC in actually placing Caymanians successfully. What areas have they identified that may need addressing as far as the jobseekers are concerned?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker. WORC is being very successful in placing Caymanians; I do not know whether there are any specific issues we are grappling with at this stage.

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

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

I acknowledge they have been successful, but those who are unsuccessful are the ones who really concern me, because they end up in a position where there is not much you can do for them, so I am going down the road of what is being done to address those candidates' deficiencies — those who are unsuccessful.

I am not suggesting that the Department is not doing its work; I am just asking what can we do about those who are unsuccessful?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, before I go into the long list of training programmes and measures the Government is taking, I think there needs to be an acknowledgement by all of us that in any country there is hopefully a very small percentage of persons whom you will never get to stay employed long term — it is just a fact of life.

In our case we believe there are a significant number of persons who can benefit from the range of training programmes I am about to mention, many of which have been in place now for several years.

- The Ready2Work KY Programme — since July 2020, we have cycled through five cohorts;
- The seven-week Back-to-Work programme for displaced tourism workers;
- Passport2Success, two cohorts — 17 to 24 years old, and younger ones 15 to 18;
- Front Office certification, one cohort at the Marriott;
- Keyboarding/computers, there have been two sessions;
- Hotel Engineering [Training] working with the Ritz Carlton; and
- the GED programme at ICCI.

Currently, a number of upcoming training programmes are planned:

- Shaker Bartending in partnership with WS3 and Marriott;
- Administrative Office Suite;
- QuickBooks;
- IT;
- Construction;
- Health Aids Care;
- Fund Administration Internship; and
- An internship programme called Prosperity.

To put the number of job placements in 2020 in perspective, under the previous NWDA [National Workforce Development Agency] employment services team were averaging around 150 placements per year, given the programming and client base they had at the time, so this new Department is performing

much better and achieving much greater positive results than has hitherto been the case.

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

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

I may have missed it but just to ensure this area is being addressed... What about those adults who do not have the basic literacy and numeracy skills one would have expected someone coming out of high school would have? In some cases, people just do not — is there any programme aimed at that segment?

[Pause]

The Speaker: The Honourable Premier.

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

Yes, Mr. Speaker, the honourable Member has identified an area which is problematic and for which there really is no programme established.

I have just had a consultation with a member of the staff here, and they are currently working on the development of a programme which they hope to be able to implement through UCCL, to assist persons who struggle with literacy and numeracy. Obviously, the issue around adult literacy and numeracy is a sensitive one. I suppose many people are very embarrassed to acknowledge that they do not have those basic skills, so you have to be very careful about how you go about recruiting people to the programme.

We are working on building staff capacity within the Department so we will have the necessary resources to be able to effectively implement and monitor such a programme.

The Speaker: The Member for North Side.

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

I wonder if the Minister could say whether the computer-based programme interfacing with WORC, both for registering jobs and people searching for jobs, is working as envisaged; is it working properly or not?

[Pause]

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I wish to acknowledge that we are having issues with the current programme not working as effectively as any of us would like; however, a major upgrade has

been worked on and should be in place early next month.

The Speaker: We move to the next item.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: I have a statement from the Honourable Deputy Premier.

Hon. Minister of Tourism

Extension of the Tourism Stipend from October to December 2020

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

Mr. Speaker, it has been seven months since it became necessary to close our borders for international travel due to the global pandemic. Cruise ships ceased on the 16th March, and international passenger flights stopped a week later, on the 23rd March, 2020. Mr. Speaker, with no stay-over or cruise business on island, tourism-reliant industries have been hit extremely hard. In addition, workers employed in the tourism and hospitality sectors have had no viable means of supporting themselves and their families.

With the agreement of my colleagues in Caucus and Cabinet, the Ministry of Tourism initially funded stipends of \$600 to approximately 767 individuals. Following this initial payment, the Ministry encouraged Caymanians who worked in the tourism sector and had no other means of income to register with us to receive a stipend — the original programme was for \$1,000 per month for a period of three months and a total of 2,627 individuals were verified to receive this stipend payment. With support from Caucus and Cabinet again, the Tourism Stipend Programme was subsequently extended for a further three months, from July to September.

Mr. Speaker, as the situation is very fluid, the Government has taken the decision to further extend the tourism stipend from October to December 2020. In order to effect those payments, the Ministry requires supplementary funding to be approved by the upcoming Finance Committee. I am very grateful to my Government colleagues for their agreement to allow the Ministry to be considered first on Monday. Once approval has been granted, I can assure this honourable House that we will do everything possible to process the payments and release the stipends on Wednesday next week, October 28th.

While we are mindful of the needs of those who are reliant on these funds as a source of income,

and we regret the delay in affecting the payments, we also have a duty to ensure that the Ministry remains in compliance with the Public Management Finance Law — simply put, Mr. Speaker, we had not budgeted those funds for the programme.

This new vote of supplementary funding is in the amount of \$9 million and should be sufficient to take the programme through the end of this year. In the meantime, government will continue to take a balanced approach with respect to reviewing the needs of the tourism industry in tandem with maintaining our economy and keeping our Islands safe. It is fair to say the goal between now, the first quarter of 2021, and past that is to protect the people and businesses that service the industry until tourism can safely resume its position to stand on its own.

The tourism industry typically contributes 25 to 30 per cent of the country's Gross Domestic Product (GDP), and so the impact from its sudden, unexpected demise cannot be understated. With that said, I am incredibly proud that years of strong economic performance and prudent financial management by this Government have enabled it to step in and provide assistance when it is most needed.

The Members of this honourable House may not be aware that the range of initiatives implemented through the Ministry of Tourism since March of this year extends beyond the provision for stipends. It is worth noting that micro, small, medium, and large enterprises in the tourism value chain are being supported in a number of ways because it is recognised that in time, they will be part of the driving force behind the industry's recovery.

Mr. Speaker, when that time comes, businesses will need skilled employees to operate effectively. Consequently, programmes are being developed in partnership with WORC, UCCI, and School of Hospitality Studies to upskill our people to give them the best possible chance to join the tourism industry and flourish when it reopens.

- Sign up for the Department of Tourism PRIDE (Personal Development in Delivering Excellence) webinars;
- register with WORC for assistance with employment and educational courses;
- learn about the different areas to work within the sector, such as accommodations, diving, restaurants; and
- sign up for tourism courses at the University College of the Cayman Islands.

I thank Minister O'Connor-Connolly for her support with this (UCCI). The Government remains committed to helping and supporting all displaced workers, as well as to the needs of businesses that have been negatively impacted by this pandemic, not just those that are tourism-based.

Mr. Speaker, given that the COVID pandemic has affected every sector in our community, all sec-

tors of government have looked at ways to provide assistance to alleviate the pressures being felt by our people. Just as examples, working in collaboration with local retail banks the Ministry of Finance, led by Minister McTaggart, has led the development of an economic stimulus programme, which provides tourism businesses with access to low interest loans, as well as repayments being deferred for one year. Government is also guaranteeing a percentage of that loan, the amount allocated being \$200 million.

The Ministry of Commerce, led by Minister Hew, has spearheaded three programmes to assist small, medium and micro businesses; two have been very successful, a third is just being rolled out.

Mr. Speaker, led by Minister Seymour, there has been help to tourism companies who have issues with their insurance coverage because of Covid-19 issues.

At the start of this year, no one could have predicted how life would change on a global scale or how deeply our tourism industry and economy would become affected. In the face of unprecedented adversity, virtually overnight, this Government's exemplary response to the crisis has protected lives and safeguarded our islands from the worst ravages of the Coronavirus.

In much the same way, the variety of relief packages and assistance programmes and initiatives that this Government continues to put in place clearly demonstrates that this is a caring Government. It puts the needs of our people first and it shows we can be depended on in good times and bad.

I have made the point that these are continued programmes because we live in a very fluid situation with the daily changes of this global pandemic.

Thank you, Mr. Speaker.

The Speaker: The Member for George Town Central.

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

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

SHORT QUESTION

[Standing Order 30(2)]

The Speaker: Short questions are permitted.

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

Can I ask the Minister to share the actual press release so I can disseminate that information to my constituents? As you know, many people depend on this stipend; they can read the press release, know exactly what is transpiring and reduce much of the heightened concern about the stipend being on its way.

The Speaker: The Honourable Deputy Premier.

Hon. Moses I. Kirkconnell, Deputy Premier: Thank you, Mr. Speaker, for acknowledging; and I thank the Member for the question. You have a copy of the statement and I am quite happy to provide you with what we have sent to all the tourism partners.

The Speaker: Next item.

[Pause]

The Speaker: Oh, I am sorry. I did not get it. I also have a statement from the Honourable Minister of Education.

Honourable Minister of Education

Exceptional Circumstance Appropriation Changes: 2020 Supplementary Appropriations of the Ministry of Education, Youth, Sports, Agriculture

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

Thank you, Mr. Speaker, for allowing me to bring to the attention of this honourable House the Exceptional Circumstances Appropriation Changes which have resulted in the supplementary appropriations initiated by the Ministry of Education, Youth, Sports, Agriculture and Lands for 2020.

Mr. Speaker, Cabinet was asked to consider and indeed approve the following requests for reallocation within the Ministry of Education, Youth, Sports, Agriculture and Lands Appropriation lines for 2020 expenditure as follows:

COMPULSORY EDUCATION, PILOT OF NURSERY CLASS, AFTER-SCHOOL CARE AND HOLIDAY CARE

The continuation of the introduction of the pilot nursery class for Cayman Brac resulted in reallocation of \$234,946 to provide after-school care, holiday child-care, and daily meals for nursery students aged three years at the Creek Infant School in Cayman Brac, commencing 20th February to December 2020.

This was inclusive of staff to support the programme to ensure health and safety of the nursery students. Savings in DES [Department of Education Services] operations, security and transportation were utilised from EGA 8 - Facilities Maintenance and Operational School Support Services and reallocated to EGA 5 - Primary Education Services.

STUDENTS' LAPTOP INITIATIVE

A one-to-one laptop initiative will see the provision of laptops in 2020 for all students in our gov-

ernment schools to be used at home and school to access learning resources through the COVID-19 crisis and beyond.

Mr. Speaker, \$1,090,040 was transferred from EI 12's capital to EGA 10 – Education, Early Childhood and Support Services for the ICT [Information and Communication Technology] operations. This was utilised for the Helpdesk support either in-house or outsourced, software licencing for additional devices, additional bandwidth, updated internet connections in all schools, and pedagogical support and training.

There was also an increase in ICT capital in the amount of \$1,875,000 to purchase laptops and additional wireless equipment, wireless access points for all schools, to upgrade the wireless network and accommodate additional laptop use.

COVID-19 RELATED TRANSFER OF FUNDING GRANTS TO OPERATIONAL PROVIDERS IN EDUCATION AND AGRICULTURE

In March 2020, the Cayman Islands implemented curfew movement restrictions in response to the COVID-19 pandemic. In conjunction with these restrictions, many activities including all educational facilities in the Cayman Islands were closed, and thus several contracted vendors were unable to provide contracted services since the end of March 2020.

Upon advice from the Ministry of Finance, funds were transferred to a new transfer payment being TP 97 in order to consider grant-funding to main contracted vendors in the said regard. This step was recommended from a humanitarian perspective where contracted vendors, for example the bus contractors and wardens, had contracted staff, namely the wardens who were experiencing cash flow difficulties due to non-payment.

As a result, Mr. Speaker, budgeted funds were transferred to TP 97 – Education, Agriculture and Land Services – COVID-19 Response and Recovery as follows:

- From EGA 8 - Facility Maintenance and Operational School Support Services in the amount of \$1,933,433 to support janitorial, security, and transportation;
- from TP 61 - Student Enrichment and Support Services in the amount of \$138,266;
- from TP 27 - Preschool Educational Assistance in the amount of \$208,098;
- from NGS 24 - spraying and neutering of dogs and cats in the amount of \$7,500 — being a total of \$2,287,297.

GRANTS TO OPERATIONAL PROVIDERS: YOUTH AND SPORTS SERVICES

There were also transfers and other transfer payments (TPs) and non-government services (NGS)

appropriations related to youth and sports services. These transfers were similarly made on the advice of the Ministry of Finance to facilitate the feasibility of paying the contracted vendors despite non-delivery of the contracted services due to the COVID-19 pandemic.

Funds were transferred to TP 98 - Youth and Sports Services – COVID-19 Response and Recovery in the amount of \$847,116, and the following Appropriations were decreased:

- NGS 82 - Other Sports Programmes: \$90,000;
- NGS 60 - Sports Programmes: \$601,637;
- NGS 59 - Youth Development Programmes: \$116,850;
- NGS 58 - Elite Athletes Programme: \$29,629; and
- NGS 47 - Mentoring Cayman Programme: \$9,000 — an aggregate sum of \$847,116.

COVID-19 RELATED FUNDS FOR PRIVATE SCHOOLS

Based on stakeholders' feedback, a one-time special COVID-19 support grant for private schools was established. Based on need, TP 93 - Private and Public School Grants was increased by \$750,000 for this said purpose. A committee chaired by Mr. Dan Scott, who also chairs our Educational Council, was established to deal with these special grants. Private schools that required financial assistance as a result of the impact of COVID-19 were required to apply for consideration and provide specific information in order to inform and validate the grant process.

COVID-19 RELATED GRANTS TO FARMERS

TP 84 - Grants to Farmers was increased by \$1 million.

The Ministry, in consultation with the Department of Agriculture (DoA), the Cayman Islands Agricultural Society and the local agriculture stakeholders, will be providing farmers with assistance in purchasing agricultural inputs from the Department of Agriculture. Farmers will be approved for assistance through the application to the Ministry. The Minister will issue this approval to the applicant and the DoA. The farmer can then collect the inputs from the Department of Agriculture. The Ministry will then transfer the monies to the Department of Agriculture to cover the cost of the inputs purchased by the farmers.

In conclusion, Mr. Speaker, I would like to thank you for allowing me to explain the exceptional circumstances which have resulted in the supplementary appropriations initiated by the Ministry of Education, Youth, Sports, Agriculture and Lands for the 2020 fiscal year thus far.

The Speaker: The Honourable Minister of Education.

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

Mr. Speaker, I have one more statement as it relates to the Ministry dealing specifically with section 12 [of the Public Management and Finance Law].

Thank you for allowing me the opportunity once again to bring to the attention of this honourable House the exceptional circumstances for the appropriation changes, which have resulted in section 12 Supplementary Appropriations initiated by the Ministry of Education, Youth, Sports, Agriculture and Lands for 2020.

Mr. Speaker, Cabinet was asked and indeed approved the following request for supplementary funding for the Minister of Education, Youth, Sports, Agriculture and Lands appropriation lines as follows:

THE UNIVERSITY COLLEGE OF THE CAYMAN ISLANDS (UCCI)

The University College of the Cayman Islands was awarded a five per cent COLA [Cost-of-Living Adjustment] for all its employees, retroactive to January 1st 2020, resulting in an increase in the University College of the Cayman Islands, CCO 1 appropriation in the amount of \$557,545 to cover the cost of applying the COLA for the financial years 2020 and 2021. Also, in accordance with UCCI's request, again approved by Cabinet, there was an increase of \$1,013,211 in the same appropriation, which reflects the cost of applying section 47 of the Public Authorities Law, which became effective on 1st June 2019, and the relative cost associated therewith for the financial years 2019, 2020 and 2021.

NEW JOHN GRAY HIGH SCHOOL (NJGHS) EI 12 INCREASES

Mr. Speaker, the National Hazard Management Council (NHMC) requested a design change of the new John Gray High School, and it was slightly altered to provide greater shelter capacity.

The initial design of NJGHS catered to 1,840 emergency shelter spaces in the gymnasium, the Administration building, and the Performance Arts Building. The buildings from the initial design accommodated for hurricane resistance structures, reinforced concrete walls and roof, and full standby power; however, following the National Hazard Management Council's request, and in order to increase the shelter capacity by an additional 3,800 emergency shelter spaces, funding in the amount of \$3,650,000 was required to:

1. Upgrade to hurricane-rated glazing (shelter standard);
2. Increase cistern capacity;

3. Allow a portion of the shelter to be used as an emergency medical centre; and
4. Additional storage capacity to enable the shelter to function as a post-hurricane distribution centre for essential supplies.

Mr. Speaker, as honourable Members would be aware, the renovation of the public-school campuses on Walkers Road, namely the John Gray High School, the Cayman Islands Further Education Centre (CIFEC), and George Hicks High School has been broken down into three projects:

- Project A is the completion of the new John Gray High School site, which is currently in progress and anticipated to have a phased opening commencing in 2021 and a full opening in 2022.
- Project B is the repurposing of the current George Hicks High School site for use by educational units including CIFEC, the Department of Education Services, and student services.
- Project C is the demolition of the current CIFEC site and the development of sports fields for the new John Gray High School.

The final Business Case has been agreed, as it relates to the final affordability window between \$68.317 million and \$82.882 million. This includes the aforementioned \$3.65 million increase for the increased hurricane shelter capacity.

Cabinet allocated \$32,922,000 in 2020, and \$9,880,227 in 2021 for the construction of the new John Gray High School. In conjunction with approving the final Business Case for Project A, the amount of \$20,119,573 is now being allocated to complete the funding needs of the construction for the said Project A for this 2020 and 2021 budget cycle.

Mr. Speaker, once again thank you for allowing me the opportunity to explain the exceptional circumstances, which have resulted in the request for the utilisation of section 12, Supplementary Appropriation initiated by the Ministry of Education, Youth, Sports, Agriculture and Lands.

Thank you.

PERSONAL EXPLANATIONS

The Speaker: The Member for George Town Central asked permission to make short congratulatory remarks to a well-deserving lady in George Town and I have given that permission. Honourable Member from George Town Central, remember: it is brief remarks.

Mr. Kenneth V. Bryan
Congratulatory remarks to Ms. Jane Ramoon

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

As we are all aware, we are celebrating our older persons during this month of October and I am pleased to announce that one of my constituents, Ms. Jane Ramoon, was selected and awarded as the ambassador for the district of George Town. Among many other amazing persons chosen in other districts, she was chosen because of her impressive history of service in the district of George Town.

Please allow me this opportunity, Mr. Speaker, to congratulate and celebrate her by reading a short biography of Ms. Jane Ramoon, affectionately known in our community as Aunt Jane. She was born on the 22nd of May 1940, the oldest of seven maternal siblings in a close-knit family. She has always had a nurturing nature; in fact, her protectiveness not only benefited her younger brothers and sisters but extended beyond their yard and out into the wider Central George Town community.

In the earlier years, Ms. Ramoon earned the nickname of 'Mother Hen' for her knack of ensuring that all the children were taken care of at any social functions that were taking place. In the later years, one of the most prominent principles and values the young mother had been taught by her parents that she instilled in her own children was that manners and respect will always take you further than money. While a bit of a disciplinarian by nature, Aunt Jane is known as a woman who is also kind-hearted, loving, and good-spirited.

Active within her community, Ms. Ramoon has spent years organising and catering for Central Scranton functions. Known for her skills in both cooking and community organising, she has consistently put her talents to good use in our District. Over the decades, she has raised funds and donations for food and refreshments in numerous annual Mother's and Father's Day luncheons, Christmas parties, fish fries and community clean-ups. Even now, Ms. Ramoon continues to prepare meals for the shut-in and homeless across the island. At the golden age of 80 years old, a lifelong advocate for harmony, peace and fairness, Ms. Ramoon remains widely respected, setting a good example for young and old alike to follow.

With the COVID-19 shutdown over, she is now keen to resume attending weekly home group senior citizens and Central Scranton Community meetings. As a self-described people person, she has added to her schedule daily welfare calls to other older persons, just to ensure they are okay.

Although Ms. Ramoon's health issues have limited her physicality, she remains active and socially connected; she is still happy to assist in planning community-based activities, particularly when it comes to making and procuring the local dishes and drinks we all love so much. According to those who know her, despite her being elderly, it is hard for Ms. Ramoon to relax and allow others to do work, so while she may ignore pleas from her family to "slow down",

she concedes the heart is willing, but the body is limited.

As a matriarch, Ms. Ramoon continues to be deeply concerned with the spiritual and physical well-being of our youth and elderly. A representative of a time when God-fearing Caymanians took their communities' welfare to heart, she is a popular and inspiring reminder that anyone can be neighbourly whatever their age. Even at her time of life, Ms. Ramoon is always looking for new challenges.

In closing, Mr. Speaker, I would like to invite the public to two Older Persons' Month activities in the George Town area:

- The special service at the Church of God 'Universal' about life stories then and now, on the 25th of October — this coming Sunday, at 7 p.m.
- The George Town Seniors' Concert on Saturday the 31st of October, at the George Town Constitutional Hall, 7 to 9 p.m., which is expected to be a pretty-fun event.

I hope to see you all there, and thank you, Mr. Speaker.

The Speaker: I add my congratulations to Ms. Jeanne; a well-deserved award.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

REGISTERED LAND (AMENDMENT) BILL, 2020 *[Withdrawn]*

The Speaker: The Honourable Minister of Education

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

Mr. Speaker, in accordance with Standing Order 58, I beg to move the withdrawal of the Registered Land (Amendment) Bill, 2020.

The Speaker: The question is that the Registered Land (Amendment) be withdrawn. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: Registered Land (Amendment) Bill, 2020 withdrawn.

PRESCRIPTION (AMENDMENT) BILL, 2020 *[Withdrawn]*

The Speaker: The Honourable Minister of Education.

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

Mr. Speaker, in accordance with Standing Order 58, I beg to move the withdrawal of the Prescription (Amendment) Bill, 2020.

For Members who may not have been informed—which I believe all should by now—it is the Government's intention to review, make necessary amendments accordingly and resubmit for safe passage through this House.

The Speaker: The question is that Prescription (Amendment) Bill, 2020 be withdrawn.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Prescription (Amendment) Bill, 2020 withdrawn.

The Speaker: Before we take the next item, we are going to take lunch at this time for a particular reason until 1.30 p.m.

Proceedings suspended at 12:16 pm

Proceedings resumed at 1:30 pm

The Speaker: Proceedings are resumed. Please be seated.

DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2020

The Speaker: The Honourable Minister of Commerce and Planning.

Hon. Joseph X. Hew, Minister of Commerce, Planning and Infrastructure, Elected Member for George Town North: Mr. Speaker, I beg to move the Second Reading of a Bill for a Law to amend the Development and Planning Law (2017 Revision), to enhance the efficiency of the Authority and to support development in the Islands; and for incidental and connected purposes.

The Speaker: The Bill has been duly moved. Is the Minister speaking thereto?

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

Mr. Speaker, the purpose of these amendments is to enhance the Authority's efficiency by making the planning process timelier, more flexible, and adaptable, while encouraging development in key areas such as the George Town Capital Centre.

Mr. Speaker, with all that has been thrown at us this year alone, our department has seen over 632 planning applications with a value of over \$504 million. As we push through this pandemic, we can all see the importance of the development sector, as it continues to play a vital role in Cayman's sustainability through investment and employment. This is why the people have this Government's commitment to continue to encourage long-term and sustainable development. While I will subsequently speak to these amendments in greater detail, I would like to pause and note that during our George Town stakeholder meetings, for example, we heard the importance of providing greater flexibility within the Town Centre as a key element for the initiative's success. As a result, following the publication of this Bill, we have had a number of small and large investors seeking to redevelop their property for continued growth and prosperity.

Mr. Speaker, I will now outline some of the amendments to the Bill.

Clause 1 provides a short title of the Legislation.

Clause 2 seeks to amend section 13 (3) of the principal Law by inserting a new subsection (ac) to exempt the construction of a liquefied petroleum gas storage tank not exceeding 1,000 gallons in size from the list of types of development that require planning permissions under the Law.

Mr. Speaker, over the years we have encouraged homeowners to switch to more environmentally friendly fuels, such as propane gas. We have issued over 325 permits for 2019/2020 and installed over 120; therefore, this amendment will make it easier for homeowners, as such tanks will no longer require planning permission. In addition, it will free up the department's resources, allowing them to focus on more complex and pressing issues.

Clause 3 seeks to repeal and substitute section 15(4) of the principal Law in order to provide new requirements in relation to the submission and assessment of a notice of applications for planning permission. This clause is in anticipation of the Planning Department's building a website where development notices will be posted instead of relying solely on a newspaper publication. It is a pragmatic approach and another step for greater transparency in the building process. Once up and running, applicants will have the ease of posting projects that require public notifi-

cation while surrounding proprietors can freely review the project and make an informed decision.

Similarly, Mr. Speaker, clause 4 seeks to amend section 40 of the principal Law to include delivery of a notice by registered mail or courier. We were all affected as the pandemic caused our mail service to grind to a halt and our newspapers to cease publication for several months. These new methods of notification will give applicants the flexibility to continue with their projects, while also providing more transparency and accountability to the process.

Mr. Speaker, in wrapping up, I would note that these amendments go hand-in-hand with the draft Regulations also before this honourable House, which I will speak to in much greater detail. For instance, we see how this Bill supports the George Town revitalisation initiative with consequential amendments in the Draft Development and Planning (Amendment) Regulations, while the Draft Building Code (Amendment) Regulations, 2020 seeks to introduce the international swimming pool and spa code that will strengthen our life and safety protocols to better protect our citizens — all in an effort to provide our Caymanians with greater flexibility and security. Whether it be for a small homeowner who would like to switch to propane gas, or perhaps a local developer wanting to build a small complex in their district, we want the process to be easier and smoother for all.

Mr. Speaker, we do have minor amendments to make; however, I now seek the approval of this honourable House in passing the Development and Planning (Amendment) Bill, 2020 subject to any amendments we may make at the Committee Stage.

Thank you, Mr. Speaker.

The Speaker: The Honourable Leader of the Opposition.

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

Mr. Speaker, far be it from me to try to stop more efficiency and development in this country; with my background, I understand these things quite intimately, but I listened to the Minister present the Amendment and there were some things I expected glaringly missing from his presentation included, but not limited to the proper inspection of these facilities under clause 13, I think it is.

Let me put it this way, the purpose of the planning application and requirement is:

1. To know what is going down; and
2. To ensure that we know what is being installed, particularly in the case of dangerous substances such as fuels.

I did not hear how we were going to move ahead with that and I just asked the Page to get me the Petroleum Law because Planning requires that all these entities, namely Water Authority, Caribbean Util-

ities Company (CUC), National Roads Authority (NRA), Petroleum, et cetera, are consulted when development is applied for, and development is always approved with the caveat that it is subject to their control.

Now, I understand petroleum tanks, particularly for liquid propane at homes, have always been in small volumes — I am not saying, Mr. Speaker, that those are not as dangerous as bigger ones. What I am saying is that I expect they are under the control of the Inspector in that aspect of the Utility Regulation and Competition Office (OfReg); I think all those are now under OfReg. I did not hear enough in this to convince me that we should be placing a thousand-gallon tank in residential areas without Petroleum Inspectors' oversight and I am a little concerned about that because whilst there may be a requirement for the Petroleum Inspector to approve the types of equipment tanks that our domestic gas is brought in, this opens us up to a different ball game wherein anyone can bring in a tank and install it.

Mr. Speaker, I understand that ordinarily there are certain safety measures installed on those tanks to prevent them from exploding, and I do not know what standards we use here; the Petroleum Inspectorate would know, but if anyone can bring in a tank, we do not know what the standards for those particular tanks would be and I am a little concerned about that. I do not even know if these are the ones — it is under Information and Communications Technology Authority (ICTA) now, right?

Petroleum Handling and Storage... This is 1996; there has to be a revision since then. I think we merged these into the OfReg Law. Be that as it may, there is not much in the one from 1978 that I just received. I recall when we were doing the Law and merging them into the ICTA Law, and then subsequently the OfReg [Law].

[Pause]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, the Minister is telling me that it is covered under the Regulations. Maybe it was an oversight on my part, but I did not see it therein.

[Interjection]

The Speaker: It is not bad music, though.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: I do not see which one it is in the Amendment to the Regulations.

[Crosstalk]

Hon. V. Arden McLean, Leader of the Opposition: Yes, but there is nothing to stop someone from applying for it and getting their own, and the Planning Department is not qualified to do inspections on tanks, or I do not think so.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: They are? You mean they understand the integrity of tanks and the like? I thought that Planning would have asked those authorities with the disciplines to go and inspect these tanks and verify whether they are suitable for use.

It just gives me reason to pause, Mr. Speaker. It is not as complete as I would like to see it, and I know that the Member for North Side and I talked about it, and I just could not capture why we were doing it in this manner. If there is an explanation, I am open to that, but I want to bring to the fore the safety measures in this, because a thousand gallons of propane will certainly leave a crater in some place. I know most of us in here may have the hundred-gallon tanks installed at our homes, but when you do a thousand gallons... Suppose somebody wants to put it underground as opposed to above ground around their homes. It conjures concerns for me because of the ambient temperature and whatnot. I mean, we are talking about pressurised liquid.

I am not satisfied with what has been said or what I am seeing here. The Minister may have some explanation for it, Mr. Speaker, and I would like to know if he does.

The other one I am concerned about is the amendment to section 15(4) [of the principal law]. As it is now, reads:

"Notice of an application for planning permission having been made to the Authority (other than an application for permission having relation to a detached house, semi-detached house, duplex or any temporary development) shall contain an invitation for the person receiving the notice to inspect the application for planning permission (including the application form, requisite drawings, Land Register, and registry extract map) in person at the Department of Planning and shall be served in accordance with any regulations made under this Law; and the Authority shall not consider an application in the absence of evidence of service or publication, as the case may be, of such notice and unless twenty-one days have elapsed since the service or publication, as the case may be, of the last of such required notice."

Mr. Speaker, where I am concerned... and it may be trying to be more efficient but in my view this amendment certainly lacks the real reason for inspecting plans — for the purposes of objections; well, that

is the only reason you would notify someone, because it is up for objection.

This one says, **“Where a person makes an application for planning permission to the Authority (other than an application for permission in relation to a detached house, duplex or any temporary development) the person shall provide notice of the application which shall —**

- (a) contain an invitation for persons to whom the notice is addressed [and we know who they are, those within the certain areas] to inspect the requisite drawings related to an application for planning permission in person at the Department of Planning or via a website authorised by the Director for such purpose”.**

[Inaudible interjection]

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

As it stands now, you are required to put all land registry and registry extract and the likes for that person who is going to inspect it to be able to properly understand where that development is taking place. We are removing that by repealing subsection 4 and now all it is saying is, **“the requisite drawings related to an application for planning permission.”**

The drawings that are submitted, whilst they may have a site plan on it, do not have... this one requires a Land Registry. Now, I know Planning says it is not responsible for ownership of who is applying for what, thus the reason we have so many problems with someone building on another piece of property. I believe having that Land Registry serves a purpose because once somebody knows they have a piece of land in that area and has been notified, they go there and [if] the wrong piece of property is being built on, they will recognise where it was applied for. We are changing it to say that only the ‘drawings’ are required.

That is how I understand that, and if I am wrong I would invite the Minister to tell me I am wrong; and it would be a good day, because I won't have to worry about it.

Mr. Speaker, the other section I had concerns about was...

[Interjection and pause]

The Speaker: Well, Leader of the Opposition, that is one thing you cannot blame on the Premier.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: No, Mr. Speaker, I cannot blame it on the Premier, but he probably set up his Deputy to do it.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: He might have been trying to throw me off but a little levity is good for us, especially after yesterday.

Mr. Speaker, I looked up the meaning of ‘registered mail’ in the Interpretation Law (1995 Revision), but the Interpretation Law is so incomplete so far, that we do not even know because it was revised in 1995— **“‘registered’, used with reference to a document, means recorded under the provisions of the Law applicable to the registration of such document.”**

I do not know why, but we are leaving “pre-paid” when courier is prepaid. I do not know whether there is any necessity for the duplication. Nowadays we have moved on to a new regime of communication and courier. In the days this was done “prepaid registered letter” was through the Post Office. Nowadays, courier... I do not know if you are trying to cover all the bases by adding courier so they can use that medium as well.

[Crosstalk and inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I am comfortable if that is to add to it. Mind you, it was just a passing thought when I saw it, so we need not pay close attention to it.

Maybe the one with the requisite drawings related to an application for Planning permission needs to go a little further because we know that the site plan is stuck in a little corner where you can barely see it really, or decipher it.

Mr. Speaker, I know this is somewhat unrelated but the zoning we are doing in the Regulations — you cannot see that. You cannot even read the road so we can understand the extent of it. I am wondering when the time comes that we are dealing with it —like I said it's unrelated to the law— I would like to see to what extent it... What is that telescope they use to look at the moon? The Hubble? You need it for this. There are no human eyes that can decipher this. Can somebody try to get larger maps for us please before we reach that Motion, Mr. Speaker?

Thank you, sir.

The Speaker: The Member for North Side.

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

Mr. Speaker, I wish to contribute to the debate on the Development and Planning (Amendment) Bill, 2020 now before this honourable House.

I wish to thank the Government for bringing this before the House, not because I can offer my usual enthusiastic support for Government Business, but because it provides me an opportunity to relieve the hardship and suffering of Caymanians because of

the removal of a section of the Development and Planning Law 2014.

Mr. Speaker, in 2014, the Development and Planning Law (2011 Revision) was amended by the Development and Planning (Amendment) Bill, 2014, which deleted section 13(3)(f) from the principal Law, which allowed or permitted Caymanians to enlarge, improve or make other alterations of their dwelling house without Planning application as long as it did not exceed 10 per cent of the home's square footage.

Mr. Speaker, at the time it was done I opposed the removal of that section because it is the traditional way that Caymanians have expanded their houses to accommodate increases in the family, et cetera over the years, and I saw no particular reason or that it was causing any undue hardship to Caymanians to allow them to continue to do so; but the Government insisted on removing it and the only thing they agreed to was that it would be done for free.

We were given the assurance by the Minister at the time, who was Mr. Kurt Tibbetts, that we did not have to worry about it because all a Caymanian homeowner would have to do was do a little sketch themselves with the dimensions of the extension they wanted to build, and show the relationships to boundary setbacks and it would be stamped by Planning and they could go about their business. While that might have been true at the time, subsequent amendments to the Development and Planning Law have made that process impossible because one of the requirements now is that only architects or agents can submit plans to planning.

Mr. Speaker, I noticed in the Minister's presentation he talked about these amendments being basically development-driven for George Town and part of the revitalisation of George Town, et cetera, and that is all good and proper. However, we have to be careful in making these accommodations for developers and requiring additional regulations and restrictions which developers have to meet, that at the same time we are not regulating our Caymanian homeowners out of the possibility of building an alteration or expanding their house. My experience in my constituency in recent times — and I have had reports from other constituencies also — is that it is creating real hardship for Caymanians.

In my constituency I had a single mother with a child who had a house approved by Planning, built to all Planning specifications, who wanted to add a little 8x10, I think it was, back patio where she could put a barbecue grill, et cetera to entertain her daughter and friends. I think the neighbours complained to Planning and it sent enforcement officers there and shut it down. When I tried to assist her, I ran into this whereby it had to be done by an architect and an agent, and oftentimes it can be more costly than the addition itself. In this case, it would have consumed so much of the capital available to the person that she could not do the expansion.

Mr. Speaker, part of the presentation at the time was that Planning needs to know what you are doing to your house as we have to be within the safety requirements, but the over provision that planning requires for most dwelling houses in terms of electrical and plumbing, adding something onto your house really is not going to fall into that dangerous zone where you are likely to be overloading electrical circuits and causing fires, et cetera. I have no knowledge of these kinds of eventualities taking place which would have encouraged the government to remove this restriction and make it harder for Caymanians to expand their houses.

In fact, more recently in my constituency, someone wanted to add an 8' x 23' back patio onto the house and they were told the same thing. When the person went to speak to the architect, they carried with them a drawing they had prepared showing the location of the house on the property with all the setbacks, plenty of space to build the thing—I mean, there were still about 30 feet from the boundary—and said to the architect, *I need you to draw this and stamp it so I can take it in.* The man said, *no, no, no, you cannot do it like that, sir.*

The person said, *What do you mean? Well, I have to come out to the site, I have to produce a plan of your whole house, unless it is a modern house and Planning has the plans and drawings readily accessible to them. Otherwise, I have to come out and do the whole thing to scale. I have to draw the whole house, show your electrical and plumbing loads, and then the addition to the house.* The person said, *Okay, how much does it cost?* He said, *Well, give me a deposit of \$500, and I will start the plans.* I do not think the person has gone back to receive the completed plans to know what the final bill will be, but it is not likely to be \$1,000; the \$500 was unlikely to be a 50 per cent deposit.

Hence, Mr. Speaker, I have filed an amendment to the Bill to amend clause 2 by inserting after paragraph (ac) in the Bill that deals with the construction of fuel liquefied petroleum gas storage a new paragraph (e), which would be a reinsertion of a portion of the paragraph (f) that was repealed in 2014, which will read: **“The enlargement, improvement or other alteration of a dwelling house provided that-**

- (i) the square footage of the enlargement does not exceed ten per cent of the square footage of the ground floor...;**
- (ii) the house [sic] [enlargement] is single storey”**

That section of the Planning Law refers to things which are exempt from Planning permission, so if we put it in like that Caymanians will once again be able to enlarge, improve or alter their dwelling house, as long as the square footage of the enlargement does not exceed 10 per cent of the square footage of the ground floor and the house is a single storey house.

Mr. Speaker, I hope the Government will accept that amendment and that we can provide the relief Caymanians need to make these minor home alterations and enlargements because I believe it is important. One instance I am aware of is that a retired couple was trying to add a 4' x 8' bathroom onto a bedroom so they could rent out the bedroom and bathroom to improve their income. They were served with a stop notice from Planning's enforcement arm and now fall into that category that have to submit plans, et cetera, to build this little bathroom onto the house.

I have several amendments already filed for the Development and Planning Regulations, not to anticipate the debate thereof, and some concerns about the Building Code. I hope the Government will reconsider and accept this amendment, which I believe will be welcomed by Caymanians; because what seems to be happening in these Development and Planning Regulations — my concern — is that in trying to ensure developers do things right and comply with Planning Regulations, we do not put regulations on average Caymanians' own houses that make it difficult for them to survive economically in this country. Many of the Planning Regulations do not make any exemptions for single-family dwellings et cetera, and I believe it is something we need to ensure.

In addition to that amendment, Mr. Speaker, I also have concerns about clause 3 [substitution in section 15 of] (4)(a) **"contain an invitation for the person to whom the notice is addressed to inspect the requisite drawings related to an application for planning permission in person at the Department of Planning or via a website authorised by the Director for such purpose."** Now, while I applaud what we hope will be the efficiency and effectiveness of people like Members of Parliament, who want to be concerned about development taking place in their constituency, to have access to a website to look at some of the stuff, as opposed to taking a day to go down to Planning and get in line to look at plans and sometimes when you get there, the plans are somewhere else and you cannot see them that day and you have to come back another day, and another day, and another day... My concern is with those two little words, *'requisite drawings'* replacing the application because, when I go to Planning to look at an application for something that is going on in my constituency, I want to know where in the constituency it is going to happen; most times I also want to know who's doing the development and looking at the development's drawings is not going to provide that kind of information.

Again, I am not aware of any abuse of members of the public, particularly as most of this is limited to those who are affected, because although I can go and look at it as a Member of the Legislative Assembly, from my constituency point of view, I cannot go to the Planning Board and object. They took that out a

long time ago. They removed public objection; you have to be within a specified distance if you want to object — and I know that from being invited as a witness in one such objection to do with a project in my constituency and being told by the Chairman of the Board that I had to leave. Well, he got saved by the lawyer who was representing the client responding before I got the chance to respond, telling him that I was not there as a Member of the Legislative Assembly but as a witness for the objectors, so I was allowed to stay.

As I said, I have filed an amendment to replace the two words *'requisite drawing'* with 'complete application', because I believe it is important in many of these instances, especially when it relates to development and not to single-family homes. This talks about **"permission to the Authority (other than an application for permission in relation to a detached house, duplex or any temporary development)"**, so we are obviously talking here about large scale developments that could have an impact on the whole constituency, the whole Island in fact.

Mr. Speaker, if the Government would accept those two minor amendments, I would be in a position to extremely gleefully and enthusiastically support the Bill. Without those two amendments, and certainly without the 10 per cent allowance for Caymanians being put back, I am likely, at a bare minimum, to abstain on the Bill, if not vote against it.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? [Pause] Does any other Member wish to speak? [Pause] If not I will call on the Minister for his right of reply.

[Pause]

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

Mr. Speaker, I want to thank both the Leader of the Opposition and the Member for North Side. I would be disappointed had they not got up to speak on these — or flattered, one or the other, I am not sure.

[Laughter]

Hon. Joseph X. Hew: Mr. Speaker, the Member for East End raised a couple of concerns, one on section 13 on the propane tank installation, and as I said, the idea here was to remove another step of bureaucracy along the way. You still have to apply to the Building Control Unit (BCU) for a liquid gas (LG) permit under that Code; you would submit that application, receive a red card and go through the necessary inspections before approval. These are all regulated under the gas code and National Fire Protection Association (NFPA), such as NFPA-58, which governs all the

standards including underground tanks, the distance away from windows, walls, generators, et cetera.

I will do my best and we will add some more wordage in the Regulations when we come, and I will do my best to expand upon that but I hope that gives the Leader of Opposition some comfort in knowing that we still inspect it, we still go through it, it just does not have to go in for Planning approval. We are just taking out the step where you go and apply for permitting rather than the Central Planning Authority (CPA) for Planning approval.

Section 15, on the requisite drawings, both Members raised this. Again, the idea here and the reason for the amendment was to have the ability to publish the drawings online for persons who are either not able to or prefer not to go and physically inspect the plans, to have the ability to do so online. Unfortunately, for privacy reasons and because if we were to download all things such as the Land Registry and those sorts of things, it comes with much more information that we would not be able to or would not want to publish on the website.

[Inaudible interjection]

Hon. Joseph X. Hew: Everything is still available at Planning in the same way.

[Crosstalk]

Hon. Joseph X. Hew: Well, we can confirm that and spell it out absolutely; but you would still be able to go and see everything. We just want to have the ability, the access, and the efficiency...

[Inaudible interjection]

Hon. Joseph X. Hew: Right; yeah. If you are the neighbour, you have a look at it and you are happy... but if you have concerns, you can go and have a look at everything else.

The Leader of the Opposition raised some concerns about the notices. Again, a lesson learnt from the COVID pandemic and the subsequent shelter-in-place, et cetera, whereby we were limited to newspapers and the post office when both were completely out of commission, and instances where persons are not able to — we have many issues with changed post box addresses. We all see that newspapers are struggling at the moment, so we thought it would be beneficial to add couriers and other methods of getting the notices out to individuals.

The Honourable Member for North Side raised the issue of the 10 per cent addition and I want to say that I am certainly sympathetic to the argument raised by the Member and the challenges some may face with this; however, there is a flip side where persons may find themselves in even more problems. Let us not even talk about the life safety aspects of it

when they were faced with the after-the-fact issues because they did not build within the 10 per cent or did not follow the process and then, of course, you have life safety issues...

The 2011 Development and Planning Law had a number of things you had to adhere to; under the Development Law 2011, the criteria for the 10 per cent was that —

- (i) **“The square footage of the enlargement does not exceed ten per cent of the square footage of the ground floor or the house.** [That is very difficult to work out unless you have the drawings and you are doing it to scale, so you know that you are within the 10 feet. When you get hit with it after the fact because it is not, that is where the hardship comes in].
- (ii) **The enlargement is single storey;**
- (iii) **The regulations governing the setback of buildings and coverage of site are upheld;**
- (iv) **The enlargement is an integral part of the existing dwelling house.** [Hence, the idea of adding a room to rent would not be approved under the 10 per cent in the 2011 Law].
- (v) **A notice of intention to construct under this section is forwarded to the Authority.”** [You still had to notify the Authority].

What was happening was that because things were not to scale, et cetera, we had persons building outside of the 10 per cent. We had many instances of persons building outside the code, which created issues further on. Persons were not building within the setbacks because they were not following the proper process; some people took the idea that they could add 10 per cent per year or 10 per cent at a time, so when they finished one 10 per cent they could do another 10 per cent. We had issues whereby people were encroaching, building right up to the walls — can you imagine the mess with the electrical and the loads, et cetera as they continue to add on these 10 per cents?

It is important to realise that in both the 2011 Law and the new law the requirement for planning does not include works to the interior. If an applicant meets all the requirements — setbacks, codes, et cetera, it is simply an administrative application. If you need your scale drawings, and I can appreciate the Member pointed out that some person's home may be so old there may not be a record of the scale drawings at Planning, but if they are, you can request those, and they will be provided to you.

Mr. Speaker, at the end of the day, this is being done for the protection of the individual. Life safety and ensuring the place is wired properly. Unfortunately, we don't know many of today's contractors; in the old days you knew that if you were going to build you

got this or that gentleman. Things are different today and you leave it open for the contractor, whereby if they know they aren't going to be inspected, they mightn't do things to code. Then you may have damage and life safety issues and the individuals are left to try to repair and clean up the mess on their own. It is worse than that if someone simply adds on to the house...

[Inaudible interjection]

Hon. Joseph X. Hew: Then you have the situation whereby the person will build outside of the 10 per cent, or do not meet the minimum setbacks, et cetera, and then you have an after-the-fact application which will cost them three times what the cost would normally be and you will have to get somebody to draw it or redraw it which is always more difficult to draw after the fact than to design it in the first place. These are the kinds of hardships we found persons going through when they misinterpreted or did not follow the 10 per cent rule.

Mr. Speaker, I will say that I constantly remind the Ministry and the Department that the easiest way to get people to comply with the Law is to make it as easy as possible for them and to assist them as much as possible. We will continue to review the process and try to identify any further efficiencies or cost savings that we can and make the process as easy as possible, but we do have a responsibility for neighbours and the life safety of the individual, and we feel this is the best way.

Mr. Speaker, the Member touched on decks, and it is so that you have to get administrative approval on decks over six inches. If it is a paver, you are paving the back area, it is fine, but once you go over six inches you do have to apply for approval. It is a height; we have had numerous complaints in the past from neighbours because persons have decked it right out to the back wall, and have built it up four feet, so they are looking into their neighbour's backyard, et cetera. We have life safety issues again: load factors, not building the decks properly...

Challenges such as those are why we require the application. It does not require a registered architect or engineer, but it must be drawn to scale — and I can appreciate that not everyone can do that.

[Inaudible interjection]

Hon. Joseph X. Hew: Mr. Speaker, I think I covered everything both the Members for East End and North Side raised.

As I said, in the upcoming motions on the Regulations we'll get into further details but once again, I ask the support of this House in passing these amendments to further strengthen sustainable development and laws surrounding it as well as providing further efficiencies for the general public we serve and

the development of the George Town revitalisation effort.

Thank you.

The Speaker: The question is that the Bill shortly entitled the Development and Planning (Amendment) Bill, 2020 be given a second reading.

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

AYES and one audible No.

The Speaker: The Ayes have it.

Agreed: The Development and Planning (Amendment) Bill, 2020 was given a second reading.

SECURITIES INVESTMENT BUSINESS (AMENDMENT) (NO. 2) BILL, 2020

The Speaker: The Honourable Premier.

[Pause]

[Inaudible interjection]

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

Mr. Speaker, I beg to move the second reading of a Bill shortly entitled the Securities Investment Business (Amendment) (No. 2) Bill, 2020.

The Speaker: The Bill has been duly moved.

Honourable Premier are you speaking there-to?

The Premier, Hon. Alden McLaughlin: Yes; thank you, Mr. Speaker.

Mr. Speaker, the Bill seeks to amend the Securities Investment Business Law for the purpose of ensuring that interests in Limited Liability Partnerships can be included as a security.

This amendment of the Securities Investment Business Law is packaged with the Limited Liability Partnership (Amendment) (No. 2) Bill, 2020, which I intend to introduce following the successful Second Reading of this Bill to ensure Limited Liability Partnerships can be widely utilised in transacting financial services business.

Mr. Speaker, this Bill changes the definition of partnership to include Limited Liability Partnerships, and that of the definition of a security to include interests in a Limited Liability Partnership.

The importance of this amendment is that it will allow Limited Liability Partnerships to be utilised in most, if not all circumstances where the interest has been expressed, namely either as a vehicle through which local professional service firms, including licenced accountants, can structure their business af-

fairs, more generally in the financial services sector, where it is contemplated that Limited Liability Partnerships may be employed as a general partner, management entity, or as a fund vehicle in certain circumstances.

Mr. Speaker, the introduction of the Limited Liability Partnership Law, 2017 benefited and was largely driven by the demand among local professional practitioners who saw an opportunity to conduct their business operations more efficiently and competitively, and to attract new lines of business to the country. The Ministry acknowledges the contribution of industry practitioners and stakeholders highlighting, particularly, the contributions of the Financial Services Legislative Committee under the leadership of the Chairman, Mr. Charles Jennings.

Mr. Speaker, the Bill is arranged into three clauses:

Clause 1 contains the short title and commencement provisions of the Bill.

Clause 2 amends section 2 of the principal Law by deleting the definition of the word “partnership” and substituting a new definition which defines partnership as:

- A general or limited partnership established under the Partnership Law (2013 Revision);
- An exempted limited partnership registered under the Exempted Limited Partnership Law (2018 Revision);
- A Limited Liability Partnership formed and registered under the Limited Liability Partnership Law, 2017, or
- A partnership or Limited Liability Partnership established under the laws of a jurisdiction other than the Islands.

Clause 3 amends Schedule 1 of the principal Law to include as a security which constitutes a share:

- interests in a limited liability partnership which is formed and registered under the Limited Liability Partnership Law, 2017; and
- interests in a —
 - limited partnership;
 - an exempted limited partnership; or a Limited Liability Partnership which is established under the laws of a jurisdiction other than the Islands.

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

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

My comments on this Bill will actually be very brief. I think this amendment would have made a bit more sense to Members and the listening public if the Bills were reversed in a different order because the real impact is actually in the Bill to follow. As usual, we

recognise that the financial services industry is constantly changing and we have to continue finding ways to innovate in order to stay alive.

If anything, I think now more than ever, Caymanians have come to appreciate the role that the financial industry plays in this country. I mean, if you look at the latest ESO [The Economics & Statistics Office] statistics, the financial services employ around nine to ten per cent of our working population. Their contribution to the GDP and overall success of the country, especially being able to support so many of the Government's other services during these times, I think has proven their [value].

There are other issues we still need to address in financial services, but we will tackle those as we get into the other Bill; for now, I only rise on behalf of my colleagues in the Official Opposition, to say that we are okay with this amendment.

Thank you.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* If not I will call on the Honourable Premier to move on his right of reply.

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

Mr. Speaker, I wish to thank the Elected Member for Bodden Town West for his remarks and for his indication of the Opposition's support of this Bill—

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: —Despite the Leader of the Opposition's grumblings.

[Laughter]

The Premier, Hon. Alden McLaughlin: I also thank all Members on this side of the House for their tacit support.

Mr. Speaker, I note for the record that the Minister for Financial Services, Honourable Tara Rivers, is still at her son's hospital bedside — hence the reason I am introducing these Bills. He is still quite ill but it is believed he is making good progress. I am sure I am at liberty to say that all of us in this honourable House wish her and little Roman the very best and pray for his swift and full recovery.

The Speaker: Thank you.

The question is that the Bill shortly entitled the Securities Investment Business (Amendment) (No. 2) Bill, 2020 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Securities Investment Business (Amendment) (No. 2) Bill, 2020 given a second reading.

**LIMITED LIABILITY PARTNERSHIP
(AMENDMENT) (NO. 2) BILL, 2020**

The Speaker: The Honourable Premier.

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

Mr. Speaker, I beg to move the Second Reading of a Bill shortly entitled Limited Liability Partnership (Amendment) (No. 2) Bill, 2020.

The Speaker: The Bill has been duly moved. The Honourable Premier, speaking thereto.

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

Mr. Speaker, this Bill seeks to amend the Limited Liability Partnership Law, 2017 with the purpose of further improving the jurisdictions, anti-money laundering, counter-financing of terrorism (AML/CFT), and beneficial ownership information framework.

Mr. Speaker, earlier the Minister, on behalf of the Government, indicated to this honourable House that the Limited Liability Partnership Law would be activated this year 2020; however, in order to deliver on this commitment, it is necessary to ensure that the Limited Liability Partnership Law is in all aspects market ready.

The Limited Liability Partnership, which is a hybrid of a company and a partnership, is the jurisdiction's latest vehicle for transacting both domestic and international business. Consequently, this Bill ensures that the legislative framework for Limited Liability Partnerships addresses two of the 63 recommended actions raised by the Caribbean Financial Action Task Force (CFATF) assessors in the Cayman Islands' Fourth Round Mutual Evaluation Report, which are applicable to Limited Liability Partnerships.

The Bill also contains amendments to the beneficial ownership framework which are supplemental to the amendments brought to this House in January of this year to further improve the jurisdiction's beneficial ownership framework.

Mr. Speaker, may I remind this House that the previous Bill, the Securities Investment Business (Amendment) (No. 2) Bill, 2020, ensures that the Limited Liability Partnership can be widely used in various contemplated circumstances for transacting business. The other key amendments in this Bill ensure the efficient operation of the Law by aligning the naming provisions and definitions in the law with the equivalent provisions in the Companies Law and the Limited Liability Companies Law. The Bill also clarifies there is no

agency relationship between managing partners in the limited liability partnership. Finally, this Bill also corrects errors and omissions in the substantive Law.

Mr. Speaker, both Bills were developed in consultation with the Ministry and the relevant implementing agency which is the Cayman Islands General Registry. Consultation with the financial services industry took place with the Ministry benefiting from the input of the Cayman Islands Monetary Authority (CI-MA), the Financial Services Legislative Committee, and the established beneficial ownership working group for limited liability partnerships. Stakeholders' input was duly considered and, where appropriate, changes incorporated into the Bills before the House today.

Mr. Speaker, the Bill amends the information that should be provided by limited liability partnerships upon registration and provides for circumstances for it to be made publicly available. This is in line with recommended action 27 raised in the Mutual Evaluation Report, which said the Cayman Islands needs to, **"Implement measures to allow for the basic regulatory powers on legal persons to be publicly available."**

Accordingly, the Bill adds new particulars like the nature of business [and] the financial year — which the limited liability partnership will be required to update with the limited liability partnership's annual return. The Law is also being amended to allow for registration statement information to be made publicly available by the Registrar following payment of a fee.

Mr. Speaker, I wish to bring to the House's attention that the importance of the nature of business, in addition to meeting the recommended action, is a necessary tool to understand the money laundering, terrorist financing, and proliferation financing risks that exist with legal persons in the jurisdiction. A similar provision is included in the Companies Law and the Limited Liability Companies Law.

Mr. Speaker, the Limited Liability Partnership (Amendment) (No. 2) Bill, 2020 also introduces an administrative fines penalty framework for beneficial information. This new administrative fine penalty regime ensures that limited liability partnerships address the concerns expressed by both the Caribbean Financial Action Task Force and the United Kingdom in their statutory review of the exchange of notes agreement entered with the Cayman Islands and other Overseas Territories.

The Bill also makes the corporate service provider rather than the limited liability partnership responsible for issuing restriction notices for non-compliance with legislative requirements. Specifically, the Bill provides power for the Registrar of Limited Liability Partnerships to impose an administrative fine on a person who breaches a beneficial ownership provision in the Law that is specified in the Schedule, within six months of becoming aware of the breach.

Each of the 16 provisions that can be breached is listed in the new schedule. The fine for breaching one of the 16 provisions is a maximum of \$5,000 with discretion for the Registrar to impose an additional \$1,000 per month fine where the breach continues until the breach is rectified. The fines are paid or the fines reach the maximum \$25,000.

Mr. Speaker, the amendments to the Law allow for the Registrar to issue rules and guidance in relation to this power. The General Registry has finalised and published the industry enforcement manual for this already which outlines their process when applying the fines and how payment can be made. These amendments will demonstrate to the Caribbean Financial Action Task Force that there are dissuasive sanctions in place for a limited liability partnership's non-compliance with the beneficial ownership legislation.

Mr. Speaker, I also bring to your attention that, similar to the Companies Law and the Limited Liability Companies Law, this Bill shifts the responsibility of issuing a restrictions' notice from the limited liability partnership to the corporate services provider engaged by the limited liability partnership for the provision of registered office services. A restrictions notice would be issued by a limited liability partnership where they have not received a response within 30 days to a notice for information from a beneficial owner. Once this restrictions notice is served, there are restrictions imposed on what can be done with the relevant interest in the limited liability partnership until there is compliance. It is anticipated that such a change, which was the result of the industry feedback, will increase the effectiveness of the jurisdiction's beneficial ownership regime.

Mr. Speaker, turning to the clauses in the Bill. The Bill is arranged into 19 clauses.

Clause 1 contains the short title and commencement provisions of the Bill.

Clause 2 amends section 2 of the principal Law to introduce definitions of "dual foreign name" and "permitted electronic means". The clause also provides for a new definition of "regulatory laws". Clause 2 also repeals and substitutes subsection (3), which provides for anything the managing partner is required by this Law to do, where a limited liability partnership has more than one managing partner, to be done by any one of the managing partners.

Clause 3 amends section 8 of the principal Law by repealing subsection (1) and substituting proposed new subsections (1) to (1F).

Clause 4 inserts a new section 8A to align the provisions with respect to the registration of the name of a limited liability partnership with requirements under the Companies Law (2020 Revision) and the Limited Liability Companies Law (2020 Revision).

Clause 5 amends section 9 of the Law to require a limited liability partnership to include in its register of partners, photographic evidence of the identity

of the managing partner and where the managing partner is an individual, their residential address.

Clause 6 amends section 18 of the Law to require a limited liability partnership to include in its registration statement the date of the end of the limited liability partnership's financial year. Also inserted is a proposed new subsection (5) which requires the Registrar to make the certificates or other documents under subsection (3) available for inspection by any person on payment of a fee of such amount as prescribed by regulations made by the Cabinet, subject to such conditions as the Registrar may impose. Clause 6 also inserts a proposed new subsection (6) which entitles any member of the public to be informed by the Registrar, on request, of the location of the registered office of any limited liability partnership registered under the Law.

Clause 7 amends section 20 of the principal law to require a limited liability partnership to include in the statement, in its annual return, the nature of the business.

Clause 8 amends section 31 of the Law to empower the Registrar to strike a limited liability partnership off the register under the specified circumstances, including where an administrative fine imposed by the Registrar on a limited liability partnership in accordance with Part 9 remains unpaid.

Clause 9 amends section 38 of the Law to correct an incorrect reference.

Clause 10 amends section 47 by repealing and substituting subsection (2) of the Law with a new subsection (2), which aligns the penalty provision for making a false statement with section 51(4) of the Limited Liability Companies Law (2020 Revision).

Clause 11 amends section 52 of the Law by replacing references to the list published in the Gazette and referred to in regulations 22(d) and 23(1) of the Anti-Money Laundering Regulations (2018 Revision) with references to the jurisdictions that are designated as having measures for combating money laundering and the financing of terrorism which are equivalent to that of the Islands in accordance with section 5(2)(a) of the Proceeds of Crime Law (2020 Revision).

Clause 12 makes amendments to section 63 to replace the responsibility for issuing a restrictions notice from the limited liability partnership to the corporate services provider.

Clause 13 amends section 72 to replace the responsibility for issuing a restrictions notice from the limited liability partnership to the corporate services provider. The clause also provides for the factors the corporate services provider should consider in deciding whether to send a restrictions notice.

Clause 14 amends section 77 to empower the corporate services provider [of a limited liability partnership] which issues a restrictions notice, to apply to the Court for an order directing that the relevant interest cease to be subject to restrictions.

Clause 15 makes amendments to section 78 to provide for the Court to order that the relevant interest subject to restrictions be sold, provided that the Court approves the sale on application by the corporate services provider of a limited liability partnership that issues a restrictions notice. In this clause, it is the corporate services provider and not the limited liability partnership that is issuing the restrictions notice.

Clause 16 makes amendments in section 80 to replace the responsibility for withdrawal of restrictions notice from the limited liability partnership to the corporate services provider.

Clause 17 makes amendments in section 87 to provide for the Cabinet to make regulations respecting the procedure to be followed by corporate services providers of limited liability partnerships issuing and withdrawing restriction notices.

Clause 18 inserts Part 9 in the Law, which sets out the administrative fines' framework.

A new section 88 empowers the Registrar to impose administrative fines on persons who breach any provision specified in the Schedule. A new section 89 provides that the fine for an initial breach is \$5,000, with the discretion for the Registrar to impose an additional \$1,000 per month where the breach continues until either the breach is rectified, the fines are paid or the fines amount to \$25,000. The proposed new section 93 provides that the Registrar may issue guidance on the enforcement of administrative fines; and a new section 95 empowers the Cabinet to make regulations to provide for the forms and procedures for imposing fines and for appeals against decisions.

Clause 19 provides for the insertion into the law of the Schedule pursuant to Part 9, which is to provide for administrative fines.

Mr. Speaker, this concludes my presentation of the proposed Bill. During the 21 days statutory public consultation period, there were no additional comments received from stakeholders; therefore, as we ourselves found no further issues with the Bill, there will be no Committee Stage amendments to the Bill. I therefore commend this Bill to the honourable House for its second reading.

The Speaker: Does any other Member wish to speak? The Member for Bodden Town West?

[Pause]

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

I got a call from the Honourable Leader of the Opposition asking whether we were comfortable, if we had any issues with the last two Bills; that he was going to reach out to the Premier about bringing this Bill in the Minister's stead [who is] unavoidably absent from the Legislative Assembly. I told him it was pretty straightforward and there was nothing controversial.

We are aware that we have the CFATF review and we have some things we need to get sorted in that regard, and this Bill seeks to fix those issues raised from the CFATF Report, so from that standpoint, Mr. Speaker, we are pretty much okay with it. As I said before, I think in this global pandemic the financial services industry has proven its mettle with regard to its contribution to our overall economy.

Something I wanted to use this opportunity to speak about is the overall importance of this industry to our economy. I am not going to get very deep into it, but just a surface level conversation. If you look at the 2019 Compendium of Statistics you will see that in terms of [employment] by industry, between 2011 and 2018 financial services ranged about 10 per cent of our total workforce. What really caught my attention is that while it averaged between eight to ten per cent between 2011 and 2018, for 2019 it actually dropped to seven per cent of our overall industry, going from 3,509 jobs in 2011 to 3,002 jobs. In other words, there was a slight decrease or it remained relatively flat between 2011 and 2019. In terms of employment, if you look at other industries during that period, those have increased.

The reason I am raising this issue is that I have always broken down our two pillars of industries into two simple words: "the hunters" and "the farmers". Those who bring in the business/money and then those who manage and move the money around, and the other jobs that get created from the money that comes in. Slice it and dice it any way you want, Mr. Speaker, the two pillars of our economy are still banking and tourism. Those are the main drivers our income comes from to generate economic activity in our country.

If you look within the main one, which is financial services between 2011 and 2019, the number of jobs has remained flat, while the total number of jobs in the country has gone from 35,267 in 2011 to 47,395 in 2019. We are talking about roughly more than 12,000 jobs being increased in our overall economy, but one of the main drivers, which is financial services, has remained relatively flat.

I just want to emphasise that in 2018 it represented 10 per cent of our overall workforce. In 2018, we had 4,425 jobs in financial services out of a total of 44,742; but in 2019, while we increased the total number of jobs in our economy from 44,742 to 47,395, the total number of jobs in financial services dropped by close to a thousand. It went from 4,425 to 3,502 and this is what prompted me to have this conversation today. It is that drop that actually scares me, because it represents seven per cent of our total jobs in 2019.

When we see this industry not having the growth that we expect it to and other industries that are very dependent on this industry... Because at the end of the day, the real estate industry, the supermarkets, the customs revenue — everything is all driven

by the economic activity from funds created by financial services and tourism. We need to ensure that we remain competitive in this industry and that we do what we need to do to keep it going.

Sometimes, when I speak to people about the financial services industry, I can say that many members in that industry have not done a good enough job in terms of promoting their importance to our overall economy. I think now, especially, people need to understand why this economy is important to us.

Something which is still a problem is that, even though there was a decrease in the total number of jobs between 2018 and 2019, the number of permits in that area went up between 2018 and 2019. If we have jobs dropping from year to year but the permits are going up, then it naturally means that we lost more Caymanian jobs than we had in terms of permit holders. I think it is something we need to take seriously. Last night the Premier even mentioned the issue with Butterfield Bank laying off staff; then we found some of our businesses are moving to cheaper jurisdictions to get work done.

The high costs of doing business in Cayman, especially in financial services — regulations, et cetera — are something we need to be mindful of in terms of what we can do to make the Cayman Islands more competitive with regard to international business. When you look at areas such as banking... Mr. Speaker, I want to share some banking statistics so Members and the listening public can understand where I am coming from.

If you look at the 'Class "B" Banking only', we went from a high of 288 licences down to 74 at the end of 2019. Under 'Class "B" Banking and Trust', we went from a high of 201 to 42 now. Between those two licenced classes, we have lost almost 80 per cent of the business at that point, and these are the kinds of jobs that many Caymanians sometimes have. These are small offices; they employ one or two employees, sometimes three or four, depending on the number of activities these banks have. It is the same with 'Trust only'. We have seen some increase in Trust, in terms of where it is coming from, but that is also starting to decrease.

The point I am making, Mr. Speaker, is that we need to remain competitive, but at the same time we need to ensure we are reducing costs because if we are losing activity, we are losing jobs in this sector, which is one of the main drivers of our economic activity, then we need to start paying serious attention to it.

I can equally tell you from speaking to some people within this industry, and I am going to say something some people are not going to like, but I am just going to put it out there as I basically got it and understand where people are coming from. Things like the Legal Practitioners Bill and Immigration Laws impact this industry seriously and they are issues we need to tighten up and seriously look at if we want to

continue to be in financial services [because] it is still a global arena.

We operate in a global area — and I know that no one wants to hear about the Legal Services Bill seven months before the election. At the end of the day, the biggest hunters we have in our economy are still the lawyers, and it is an area that still needs to be fixed and addressed. I do not know whether it is something we are going to deal with before this session ends, but we really need to take a deep dive into that overall industry because the financial services industry numbers are trending in the wrong way and to borrow the quote from my colleague, the honourable Member for Savannah, if we lose this industry, "*dog nyam we supper.*"

It is not politically correct when you start speaking about immigration or even having some liberal views on immigration within this industry, but it's one industry that we need to take a serious look at when it comes to both the Legal Services Bill and Immigration Laws to ensure that we can still attract the hunters that we need to bring business to Cayman.

Like I said, we are okay with the substance changes, they are required to meet our international obligations, et cetera; but I want to put it out there to the Members of this House and to the public that the overall numbers in the financial services industry are not trending where we would like to see them. Now, many activities are also due to global conditions and other changes elsewhere, but at the end of the day, we need to watch this more carefully. As I said to the Premier earlier when he said he was not in the mood to fight, finance and financial services in this country are not something we should have major political differences on because of their importance.

Mr. Speaker, I just want to say to the Government that before this session is out, we need to have the uncomfortable conversations in terms of what changes we need to make to the Legal Services Bill and the Immigration Law to attract more hunters here. At the end of the day, many of these other areas are the farmers and beneficiaries of the money that comes in, and we need to make sure we create an environment that constantly brings businesses to Cayman.

With that said, on behalf of my colleagues on this side, we recognise the Bill's importance and we support the amendments.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? *[Pause]* The Honourable Attorney General.

[Inaudible interjection]

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

Mr. Speaker, I rise to make a short contribution in support of the Limited Liability Partnership (Amendment) (No. 2) Bill, 2020.

Mr. Speaker, as the Premier made clear in his contribution, this is one of those important Bills that will assist in making the jurisdiction more attractive for financial services business. The hope is that it will act as an additional pull factor in attracting international businesses to the Cayman Islands.

The Honourable Premier also touched on the fact that the amendments are in fact necessary to address some of the concerns raised in the Financial Action Task Force Mutual Evaluation Report of the Cayman Islands. In particular, he mentioned that the Bill ensures that the legislative framework for limited liability partnership addresses 2 of the 63 recommended actions raised by the CFATF assessors in the Cayman Islands' fourth round of mutual evaluation which are applicable to limited liability partnerships; and the fact that the Bill, if it becomes law, would provide synergy with the Companies Law and other legislation.

Mr. Speaker, among other things, the Bill will clarify the information that should be provided by limited liability partnerships upon registration and provide for circumstances for it to be made publicly available in line with recommendation 27 raised in the Mutual Evaluation Report, which said that the Cayman Islands needs to **"Implement measures to allow for the basic regulating powers of legal persons to be publicly available."**

Mr. Speaker, this is a very important piece of legislation and the timing of it is also of importance. I say that because the progress to ensure that the Cayman Islands anti-money laundering and countering the financial terrorism, as well as proliferation financing regimes are compliant with international standards, which is a very significant milestone today, Friday, 23rd October 2020, because it is when the observation period that has been imposed on the Cayman Islands by the FATF [Financial Action Task Force] comes to an end. After the report was adopted by the CFATF and the FATF and certain weaknesses were identified, the Cayman Islands were given a period within which to address these recommended actions and that was referred to as an observation period within which we were required to address these things.

Since January 2018, the jurisdiction has passed several significant milestones on the way to improve in its AML/CFT framework; in particular, in September 2019, an updated national AML/CFT strategy for 2019 to 2022 was published and that, among other things, laid out a comprehensive action plan covering topics from sanctions to supervisory frameworks. Targeted AML/CFT risk assessments were conducted in 2019 and 2020 with the aim of helping relevant individual entities implement their own effective risk-aware approaches, as well as to improve su-

pervisory/law enforcement processes. These assessments include terrorist financing, excluded persons under the Securities and Investment Business law — the Honourable Premier just dealt with a slight amendment to that to deal with the issue of reference to the list of jurisdictions. Entities operating in the special zones are also dealt with, as well as non-profit organisations and international financial centres; those are risk assessments that were conducted.

Since January 2020, CIMA has enhanced, in a significant way, its AML/CFT supervisory framework of registered persons and commenced inspections. The Authority has introduced new risk rating technology to offer an improved data-led risk-based approach and a new division specifically focused on AML/CFT supervision, Mr. Speaker.

Designated Non-Financial Businesses and Professionals (DNFBPs) are also subject to supervision under several supervisory bodies which have issued guidance, including regular outreach, risk assessed entities and conduct onsite inspections, as well as issuing fines when entities are found in breach of the Anti-Money Laundering Regulations.

Mr. Speaker, they have also targeted an industry-specific outreach and that has been going on since 2019, including in-person sessions for financial institutions and the DNFBPs, as well as NPOs [Non-profit Organisations]. The sessions feature educational presentations as well as opportunities for questions and answers, and direct engagement with the respective regulator. E-learning platforms hosted by Cayman Finance have supported these efforts; we have instances where approximately 250 people have signed up for free courses as of the 3rd of September 2020.

Mr. Speaker, a national advertising campaign emphasising that the responsibility of fighting financial crime is everyone's business was also launched in early 2020 and an improved AMLU [Anti-money Laundering Unit] website has been operational since.

Mr. Speaker, despite continuing to deal with a major global pandemic's ongoing challenges to the jurisdiction, the Cayman Islands have taken its requirements to meet the CFATF 63 recommended actions very seriously and have acted strenuously in this regard. As such, the actions taken collectively highlight our commitment to ensuring that the Cayman Islands retain its positive ratings from global entities and continues to remain at the forefront of financial services jurisdiction in the world. After the observation period comes to an end today, the Cayman Islands will move into the next phase of the process when the FATF will determine whether we have made sufficient progress; the outcome is expected to be announced in February of 2021.

Mr. Speaker, honourable Members would have seen and have in fact observed that over the last 18 months or so we have been doing several amendments to legislation but as I kept saying this is a shifting goal post; it is an evolving process. Since we were

last evaluated, regulating virtual assets has now become a requirement, and that is something that has been done post evaluation of the Cayman Islands.

As a jurisdiction, we continue to meet these requirements in a bid to not just remain competitive, but to convince the rest of the world that what we are operating here is a very reputable financial services industry. We continue to be the envy of the world in that regard, Mr. Speaker, so I too commend this Bill to the honourable Members of this House.

I thank you.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? I call now on the Honourable Premier for his right to wind up the Bill.

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

Mr. Speaker, I thank the Honourable Attorney General and the Member for Bodden Town West who spoke on behalf of Members of the Opposition for their observations and all other Members for their tacit support of this important Bill.

The Speaker: The question is that a Bill shortly entitled the Limited Liability Partnership (Amendment) (No.2) Bill, 2020 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Limited Liability Partnership (Amendment) (No. 2) Bill, 2020 given a second reading.

JUDICATURE (AMENDMENT) BILL, 2020

The Speaker: The Honourable Attorney General.

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

Mr. Speaker, I beg to move the Second Reading of a Bill for a Law to amend the Judicature Law (2017 Revision) to provide for the exercise of the Court's jurisdiction to grant Protective Costs Orders in judicial review proceedings and constitutional proceedings; and for incidental and connected purposes.

The Speaker: The Bill has been duly moved. Honourable Attorney General, are you speaking there-to?

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

Mr. Speaker, this is a very short Bill, and as I said, I rise to present its Second Reading. As we are all aware, litigation can be very expensive, and the full scope of the potential costs can be difficult to predict. The general principle in litigation matters is that a losing party should pay the winner's reasonable costs. Indeed, some of the general principles of Common Law litigation can lead to increased costs; matters such as disclosure, discovery, et cetera — and of course, the adversarial nature of these cases can and often do lead to increased cost.

A natural consequence of the high cost of litigation is the potential chilling effect on litigation that ought properly to be pursued, but the risk of a crippling adverse cost order might dissuade a claimant whose case has excellent prospects of success from bringing a claim by launching legal proceedings. Furthermore, public funding, for example legal aid, might not always be readily available as a means of dealing with litigation costs.

A Protective Costs Order (PCO) is a mechanism available to the court to ensure access to justice in public interest cases. In a sense, these orders limit the amounts, if any, a party can expect to have to pay to the other side if the litigation is unsuccessful. Namely, it is an order limiting or removing the liability of a party to judicial review or constitutional challenges to pay another party's cost in connection with any stage of the proceedings.

Protective Cost Order will be available in both the Grand Court and the Court of Appeal; therefore, these applicants or claimants, including those we often refer to as "public-spirited persons", can apply to the court for the Protective Costs Orders to shield themselves from hefty cost orders; however, unlike the position in the UK, in the Cayman Islands such matters are not governed by bespoke legislation — hence, the objective of this Bill.

Indeed, in the Port Referendum of *Roulstone v Cabinet of the Cayman Islands and Legislative Assembly of the Cayman Islands (National Trust for the Cayman Islands Intervening)* where a Protective Costs Order was made, the Honourable Chief Justice had this to say, "There is no law regulating the granting of PCOs in the Cayman Islands even while, by contrast, in England and Wales PCOs were put on a statutory footing by s.88 of the Criminal Justice and Courts Act 2015, which largely codifies the Corner House principles."

Mr. Speaker, because of the absence of the bespoke "statutory footing", in the Roulstone application for a PCO, the Grand Court had to rely on the inherent and/or statutory basis to assume jurisdiction to deal with the application. The Grand Court relied primarily on a case from the UK — *R. (Corner House Research) v. Secretary of State for Trade and Industry [2005] EWCA Civ 192 (Corner House case)*. However, in 2005, when the UK Court decided Corner House, there was no legislation there either so in

2015, the UK understandably decided that legislation was required in order to deal with such applications and did so via sections 88 and 89 of the UK Criminal Justice and Courts Act 2015, which is reflected in clause 3 of the Bill before the House. As in the UK, it sets out the principles of the considerations that would guide the courts in determining how to make a Protective Costs Order.

As I said earlier, the Order is defined in clause 2 of the Bill **“an order limiting or removing the liability of a party to judicial review proceedings or to constitutional proceedings, to pay another party’s costs in connection with any stage of the proceedings;”**. Constitutional challenges include those which may be brought to pursue under section 26 of the Bill of Rights Part 1 of the Schedule to the 2009 order, as well as those which may be instituted in relation to non-Bill of Rights matters under the Constitution. While such applications may typically involve private interest, they may nonetheless raise matters of considerable public interest and importance.

The Bill sets out the possible terms of the Orders and deals with the procedures to apply for the Order and for the eventual granting of such Orders. The proposed amendment to the Judicature Law would therefore not only codify the Common Law Corner House principles but, like in the UK, improve upon those principles in terms largely similar to the provisions in the UK 2015 Act providing a bespoke “statutory footing” and thus greater clarity for our Courts when adjudicating on PCO applications.

Mr. Speaker, given that the issue of cost is generally a matter for the discretion of the Court, it was only appropriate that the Judiciary be consulted on the contents of the Bill; thus, the Bill was sent to the Judiciary for consultation and was found to be “quite in order.” I therefore commend the Bill to this honourable House.

I thank you.

The Speaker: Does any other Member wish to speak? The Honourable Deputy Leader of the Opposition, the Member for Newlands.

[Pause]

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

On behalf of the official Opposition, I wish to briefly offer our position on the Judicature (Amendment) Bill, 2020.

Mr. Speaker, I listened intently to the Honourable Attorney General when he introduced the Bill and on the surface, you would think there was not really much I would have to say this afternoon, but unfortunately I do have concerns in relation to this Bill.

[Inaudible interjection]

Mr. Alva H. Suckoo, Deputy Leader of the Opposition: Well, part of our responsibilities as the Official Opposition is to critique and offer suggestions — that is what we are attempting to do, Mr. Speaker.

In my opinion, what has been introduced by the Honourable Attorney General is what should be done at a very high level: taking the discretion out of the process of the courts when deciding whether to grant a Protective Costs Order. It is good to put things in legislation and have them set down so there can be less uncertainty.

Mr. Speaker, I also did a little research. As the Honourable Attorney General said, some of the guiding principles in relation to the granting of a Protective Costs Order were derived from the Corner House case, and I see where there are quite a few similarities between this proposed legislation, what was outlined in that case, and what later became statute in England.

Mr. Speaker, I want to go through some of the clauses in the Bill that caused some concern for me, and hopefully the Honourable Attorney General will take those on board. Clause 24B.(2)(b) says:

“24B. (2)(b) if the applicant is a body corporate that is unable to demonstrate that it is likely to have financial resources available to meet such liabilities, information about its members and about their ability to provide financial support for the purposes of the application.”

That is when deciding on 24B (1) —

A protective costs order may be made in connection with judicial review proceedings in accordance with sections 24A, 24B, and 24C, or in connection with constitutional proceedings.”

[Essentially], if it is a corporate body, in determining whether to grant it, the court would look at the financial resources available through the individuals who belong to that corporation. That raises a concern for me because the whole point of having a corporation is to protect those involved in the corporation; for example, the shareholders or whoever is a member of that corporation. However, this seems to give the court the ability to make a decision based on the *personal* finances of those shareholders or members and I think that creates a conflict in another area which would be the Company Law or other laws we have that would govern those corporations. The whole premise of being a member of a corporation is that you are protecting yourself personally in some aspect.

I am not sure whether that is something we want to have in the Legislation, but I would be interested in hearing what the Honourable Attorney General has to say about it.

Clause 24B.(3):

“24B. (3) The court may make a protective costs order only if it is satisfied that —” and it goes on to list the tests that the court would use.

I am a little concerned with the wording **“only if”** because if you refer to the ruling of the Court of Appeal in **R v Lord Chancellor ex-parte Child Poverty Action Group**, there is a ruling by the Court which basically says these conditions, while they're guidelines and can be used by the Court in making the decision, weren't really set in stone and there should be some discretion allowed in determining whether or not to make the decision. These were principles that were laid down.

It is a bit concerning when the legislation says, **“only if”**; I would suggest we consider wording whereby **“the court must consider the following”** rather than saying **“only if”**, because that makes it very rigid; there is no discretion at all. I assume that if the application does not meet all these conditions, no Protective Costs Order will be granted.

Mr. Speaker, 24B.(5):

“24B. (5) The matters to which the court shall have regard when determining whether proceedings are public interest proceedings include —

- (a) the number of people likely to be directly affected if relief is granted to the applicant for the judicial review proceedings or constitutional proceedings;**
- (b) how significant the effect on those people is likely to be; and**
- (c) whether the proceedings involve consideration of a point of law of general public importance.”**

I agree with all of those; they all are fine, but the primary objective in determining whether it is a public interest proceeding is whether or not the Government is acting contrary to public policy, so I would think that would be one condition — a main question you would be asking in determining whether or not it is in the public's interest: is the Government acting contrary to public policy? As a suggestion, I think maybe that condition could be inserted in there or a question on whether the Government is acting contrary to public policy.

Clause 24C.(1)(a):

“24C. (1) The matters to which the court shall have regard when considering whether to make a protective costs order in connection with judicial review proceedings or constitutional proceedings,

and what the terms of such an order should be, include —

- (a) the financial resources of the parties to the proceedings, including the financial resources of any person who provides, or may provide, financial support to the parties;”**

Again, I understand why, at a high level, you would want to know the financial position of those who are contributing to this judicial or constitutional challenge, but when it talks about those who **“may”** provide financial support, I think it opens the door to much speculation. How do you know or determine who **“may”** be provided financial assistance?

In my mind, it then creates a situation where people could make frivolous claims like *I know that Al Suckoo is trying to bring a judicial review against the Government, and Kenneth Bryan “may” assist him financially in the future*. It is one of those situations where it is guesswork, so [by] using the words **“who may financially provide support”** someone on the other side could easily throw out some claims and say, *well I could name five other people who may assist financially*. That could be looked at as well, because there is much potential speculation there that could slow down or hamper making these decisions.

24C.(1)(c): the same sort of concern. It says:

“24C. (1)(c) the extent to which any person who has provided, or may provide, the applicant with financial support is likely to benefit if relief is granted to the applicant for the judicial review proceedings or constitutional proceedings;”

Again, it is the speculative nature of this test where you do not know ahead of time who **“may”** be providing financial support. I raise those and maybe there are valid reasons why they are worded that way, but in my mind, it creates speculation.

Also, 24C.(1)(e), Mr. Speaker. In the Court considering whether to make a Protective Costs Order, it says:

“24C. (1)(e) whether the applicant for the order is an appropriate person to represent the interests of other persons or the public interest generally.”

Now, I do not think I see a definition of **“appropriate person”** in the Bill, and I would ask who an **“appropriate person”** is. I did a little research and did not see in the case law where that was referred to either, but I may have missed it. What does that mean? What is an appropriate person? If it is not properly defined, again, the other side in one of these cases could argue that so-and-so is not an appropri-

ate person and insert their own definition of what an appropriate person should be. I think it introduces a level of unfairness in the argument; let us define what it means because my definition and someone else's definition of an appropriate person could be complete opposites.

Mr. Speaker, I know Members of the Opposition questioned why some of this verbiage was put here, particularly the body corporate argument I introduced earlier. We are aware that while Ms. Roulstone filed her action in court, I think on her own behalf, she was a member of CPR [Cruise Port Referendum]; we question whether that particular clause is being directed for those sorts of instances whereby people may have speculated that she was being financially assisted by Members of CPR. I think it is unfair that we would put that there for those types of scenarios — to bring their membership's finances under scrutiny under the law, because CPR was not a party to the Judicial Review. I am wondering if that is why that clause was put in.

[Inaudible interjection]

Mr. Alva H. Suckoo, Deputy Leader of the Opposition: The Attorney General is assuring me no. I am sure he will explain why it is there when he gets up.

Mr. Speaker, those are our concerns with this Bill. Overall, we support putting this into legislation; having rules, processes, and procedures defined so it is clear. I think it provides a heightened level of protection to those who wish to challenge government decisions or decisions that may pertain to the Constitution.

It is good that we are doing this and I support it aside from the concerns and observations I made. I would be interested in hearing the justification and logic behind including those.

Thank you, Mr. Speaker.

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

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

I do not intend to be very long because my colleague, the Honourable Deputy Opposition Leader, covered 95 per cent of my concerns about the Bill. I must say that though I accept the necessity of this Bill, its timing could be suspicious, and I will give the reasons why.

We have had more controversial challenges to the state and the country's governance than any other time in recent history. Though I recognise the Attorney General's quote of what the Chief Justice noted in respect to the importance of creating such a Bill, it blows my mind how quickly a Bill can be drafted because even in this Sitting of the House we highlighted other Bills that need to be drafted for the importance of democracy and the people of the Cayman

Islands' growth that cannot seem to get one hour's worth of drafting time or attention. I am not suggesting that it is because of the Drafting Department; I know there are people who make the priority list for drafting Bills, and it is not the drafters themselves but civil servants paid to do what they are instructed to do in respect to the order they were given.

Mr. Speaker, you heard the Attorney General talk about Ms. Roulstone's challenge, and if my memory serves me well that was about ten months ago, close to a year — I cannot recall the exact date but I do not think a year has passed yet. Earlier we spoke about the necessity of amending a very important piece of legislation called the Advisory District Councils' Law and we heard how we do not have the time to deal with it.

The District Councils' Law, which gives the people more say in their democracy and the way we represent them, is nine pages long. The Bill we are debating is also nine pages long, but somebody put it as a top priority to ensure a law is created to create a stronger deterrent for the average person to challenge the state with constitutional challenges and Judicial Review proceedings — yet we have all the excuses in the world to say *we do not have capacity; we have so much work in the Drafting Department...*

Mr. Speaker, we know if there ever is such a challenge before the Courts it is most likely because citizens believe something is wrong with the system and therefore want to challenge it in our high courts — that is a part of democracy as well. What bothers me is the priority to ensure that a law that could potentially put hurdles in the way of that challenge and holding those in power accountable was put at the top of the priority list when we have a law exactly the same number of pages —

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

The Speaker: The Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: I hate to interrupt the Member, but can the Member point to the language in this Bill which puts hurdles in someone's way?

The Speaker: The Member for George Town Central.

Hon. Kenneth V. Bryan: Mr. Speaker, I apologise. I see the Attorney General's argument but when I say "hurdle" — it is not helping in respect to the challenge. If anything, the fear of having to pay costs is considered a hurdle. I do not mean it in a negative capacity.

[Inaudible interjection]

Hon. Kenneth V. Bryan: Well, Mr. Speaker, I will accept that the Attorney General does not agree with my

terminology of this Law being a potential hurdle; that is my interpretation and what some members of the public interpret this Bill to be — though I understand the necessity because if we do not have a law like this, there may be people who have nothing better to do than challenge every single thing the Government does.

I am not saying the Bill is not necessary; I am talking about the priority in respect to the necessities of what laws we deal with in this country. The common excuse is *we have so many things to deal with in the Drafting Department*. We have Governments who have made it a part of their national campaign to make an *amendment*, not create a brand-new law yet the Drafting Department was able to create a whole new law within less than ten months, Mr. Speaker.

The Speaker: Honourable Member, I understand your desire to have a law; or something you need and complain about, but the debate is on the Bill presently before us. You have to debate the Bill's merits or demerits.

I think you have made known your complaint about what you think should be dealt with. I ask you to move on now to the merits or demerits as you see fit.

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

I want to make a clarification: I was wrong in that this is an amendment to an original law; however, the same amount of work could have been prioritised in respect to this amendment as for other important Bills. That is my contribution.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? *[Pause]* If no other Member wishes to speak, I will call on the Honourable Attorney General to wind up.

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

Mr. Speaker, I thank Honourable Members for their contribution to the Bill. I wish that Members would focus on the language of the Bill and that we could take credit for the language of this piece of legislation, but we did not reinvent the wheel.

The Honourable Deputy Leader of the Opposition referred briefly to the UK Legislation and the Corner House case. I am not sure whether he had the chance to look at the UK legislation because what we did was lift sections 88 and 89 of the UK legislation word for word and put it in the Bill. I will ensure that a copy of the Criminal Justice and Courts Act 2015 is available to be placed on the Table of the House so Members can have the benefit of it. The only words not in the UK legislation are “constitutional challenges” because the UK does not have a written constitution.

It was therefore agreed that there are constitutional challenges that are of significant public im-

portance and for which persons ought to be able to bring proceedings against the state without having to be looking over their shoulders, as to whether or not they will be saddled with serious Cost Orders, so the constitutional challenges were included in the provision; it covers constitutional challenges and Judiciary Review proceedings.

Mr. Speaker, he asked for example why body corporate is included and the fact that, according to him, the potential here is for the court to go behind the veil, so to speak, and require the natural persons with the ownership of the company to make the payments. Section 88(5)(b) of the UK legislation says:

“88. (5) (b) if the applicant is a body corporate that is unable to demonstrate that it is likely to have financial resources available to meet such liabilities, information about its members and about their ability to provide financial support for the purposes of the application.”

It is word for word, Mr. Speaker; we did not make that up.

In the case in which he cited CPR, I do not think it was a body corporate but one of those registered NPOs [Nonprofit Organisation], so in any event it wouldn't apply. When you read the Chief Justice's judgement, Mr. Speaker, the question of whether or not CPR should be required to fund the litigation for Ms. Roulstone was discussed extensively and the Chief Justice ruled that Ms. Roulstone had made it quite clear that she was acting in her own right, and not on behalf of CPR; therefore, he was not prepared to make an order that would require CPR to fund the litigation.

I think I need to clarify for Honourable Members what this is about. At the beginning of my presentation, I made it quite clear that the usual rule is that when you have a litigation, the unsuccessful party pays the costs of the winner of the case; so, if you are going to lodge the litigation it is a potential obligation that if you are unsuccessful you will be saddled with costs because the other side had to expend costs to defend the claim.

In the usual course of things, if you bring an action against the government and you are unsuccessful, you should pay the government's costs; in the same way, if the government is unsuccessful, the government pays the other side's cost. There is nothing unfair or unusual about it. That is why Section 24 of the Judicature Law gives the court the discretion to determine who pays what costs.

We had the same-sex matter that went to the Court, the government lost at first instance. No costs were awarded against government because the Court in its discretion did not think it should do so. The government won at the Court of Appeal, and the Court of Appeal again refused to order costs in favour of the

government because the court has complete discretion to do so. One party won in the first instance; the Court says, *although you were successful, we will not order costs*. The government won at the Court of Appeal and the Court said, *well, we are not going to order costs against the other side*. It is a discretion of the Court, so when the Deputy Leader of the Opposition...

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: When the Deputy Leader mentioned that the language says, “**if [the court] is satisfied**”, Mr. Speaker, the point I am making there is that the court must be satisfied that it is in the interest of justice, it is just and fair, not to give the winner his cost. To put it another way, the Court needs to be satisfied that it is fair and just — to use the Chief Justice’s language — not to order costs against the unsuccessful party.

The language of the legislation is the “**Protective Costs Order**” and what it means is, if you are unsuccessful you either pay no cost at all, or you pay a portion of what you would normally be required to pay. That is what it does. It does not impede anybody from bringing any proceedings before the court; it does not put any hurdles. Quite the opposite, Mr. Speaker. What it does is enable people to bring action before the Court and not have to worry about whether I am going to be saddled with a \$250,000 Costs Order if I am unsuccessful, if I lose the case; that is all it does. As I said, we did not make this up.

The Speaker: For my edification, this should avoid frivolous claims, et cetera?

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, yes and no.

If you use Judicial Review for example, you can only get a Protective Costs Order if you get leave to file the Judiciary Review so you have to cross the hurdle first of getting leave and satisfy the Court that you have an arguable case before the issue of a Protected Costs Order comes up.

The Speaker: Thank you.

The Attorney General, Hon. Samuel W. Bulgin: That is how the English statute operates and how ours operates. It goes without saying, because there is no point in applying for and obtaining a Costs Order unless you know you are going to get leave to file for Judicial Review.

I said yes and no because at the stage when you apply for leave for Judicial Review is that the court makes a determination as to whether you have an arguable case or not; whether your case is frivo-

lous, et cetera. If they agree that your case has merit, then you get leave to apply and of course you then apply for your Costs Order.

Let me make it clear that none of the provisions in 24C highlighted by the Honourable Member are matters made up by us; they are all lifted word for word from the UK legislation and inserted in the Bill. There are many case laws which say how these things are to be interpreted, Mr. Speaker, including the issue of who is *an appropriate person*.

Section 89 (1) (e) of the UK Criminal Justice and Court Acts 2015 says:

“89. (1) The matters to which the court must have regard when considering whether to make a costs capping order in connection with judicial review proceedings, and what the terms of such an order should be, include—

(e) whether the applicant for the order is an appropriate person to represent the interests of other persons or the public interest generally.”

It is lifted word for word out of the UK legislation. I want to ensure that a copy of the Criminal Justice and Courts Act, 2015 is put on the Table for the benefit of honourable Members.

Mr. Speaker, I heard the Member’s concerns, and I would like to assure him that we did not make this language up. It is basically precedent from the UK’s 2015 legislation that we lifted and inserted in this Bill except, as I said, for the words “constitutional challenges”, which you won’t find in the UK legislation.

As to how some of these things are interpreted, Mr. Speaker, there are many UK cases dealing with these issues. The case that we had with Ms. Roulstone is the first time an application of this nature has been made in the Cayman Islands, and the Honourable Chief Justice pointed out that unlike the UK, there is no bespoke legislation in the Cayman Islands that deals with the issue.

Mr. Speaker, as to the issue of timing raised by the Member for George Town Central: it is not unusual for me to bring legislation to this House to deal with matters of administration of justice. It has always been the case that once there is an issue that deals with the administration of justice, Governments over the years move very quickly to ensure that Legislative corrections that need to be made are made and things are put in place to facilitate administration of justice. There is nothing “suspicious” about bringing the legislation now, as opposed to ten months later, because the legislation itself is quite in order, appropriate and it is quite beneficial to those who would seek to pursue an application for Protective Costs Order.

Mr. Speaker, I hope I have allayed the honourable Member’s fears and would be happy to discuss the extract from the UK legislation with him at the

appropriate stage. With those words, I commend the Bill to honourable Members.

The Speaker: The question is that a Bill shortly entitled the Judicature (Amendment) Bill, 2020 be given a second reading. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Agreed: The Judicature (Amendment) Bill, 2020 given a second reading.

SUSPENSION OF STANDING ORDER 10(2)

The Speaker: We have reached the hour of 4:30 and the Minister of Finance will move the suspension of Standing Orders.

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

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

The Speaker: The question is that Standing Order 10(2) be suspended in order for the business to continue after the hour of 4:30. All those in favour, please say Aye. Those against, No.

AYES and NOES.

The Speaker: The Ayes certainly have it.

Agreed: Standing Order 10(2) suspended.

PUBLIC HEALTH (AMENDMENT) BILL, 2020

The Speaker: The Honourable Minister of Health.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing, Elected Member for Bodden Town East: Thank you, Mr. Speaker.

I move to seek a second reading on the Bill entitled the Public Health (Amendment) Bill, 2020.

The Speaker: The Bill has been duly moved.

Is the Honourable Minister of Health speaking thereto?

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

The Public Health Law (2002 Revision) enacted in 1981, repealed the Public Health Law, 1974. This Law is the main piece of Public Health legislation for the Cayman Islands. The Public Health legislation aims to protect, promote, and improve the health and well-being of the people of the Cayman Islands and to reduce the incidence of preventable illnesses.

Mr. Speaker, as we are all aware, the new coronavirus disease, known as COVID-19, has created one of the greatest pandemics, infecting millions of persons and taking the lives of hundreds of thousands of people around the globe. In the management of COVID-19 disease, we have done very well in the Cayman Islands both as a government and a community.

To date, there have been 221 confirmed cases of COVID-19 in the Cayman Islands with 211 recoveries. Members of this Honourable House may recall the gentleman who sadly succumbed to this disease a few days after arriving in Grand Cayman via cruise ship; the only death in Cayman related to COVID-19. Although Cayman has been in the clear with minimal community transmission, the threat is still real beyond our borders, and many countries are still amid this pandemic.

Mr. Speaker, as the Cayman Islands commenced a phased reopening of the borders on the 1st of October 2020, the Ministry is concerned that the fines for breaching mandatory quarantines are too low, given the risk for the Cayman Islands if a traveller who carries COVID-19 breaches quarantine and potentially spreads the virus. Currently, if a person breaks the mandatory 14-day isolation for surveillance, they will be liable on conviction for a fine of one thousand dollars and imprisonment for six months.

Mr. Speaker, the Bill before us today aims to increase this penalty to a fine of ten thousand dollars or two years' imprisonment for breach of mandatory quarantine. To allow for this increased penalty from one thousand dollars to ten thousand dollars and imprisonment from six months to two years, section 71(2) of the Public Health Law (2002 Revision) requires an amendment.

Mr. Speaker, I will now speak to the provisions of the Public Health (Amendment) Bill, 2020. Clause 1 provides the short title of the legislation. Clause 2 seeks to amend section 71(2) of the Public Health Law (2002 Revision) to increase penalties for contravention of provisions of the Law for which no specific penalty has been provided. The amendment seeks to increase the fine from one thousand dollars to ten thousand dollars, increase the term of imprisonment from a term of six months to a term of two years, and increase the fine for a continuing offence to five hundred dollars for each day the offence continues after conviction. Once this Bill has been passed by this honourable House, the increased penalty will be imposed on persons entering the Cayman Islands who breach quarantine in accordance with the Control of COVID-19 (No.2) Regulations, 2020.

Mr. Speaker, I believe I speak for the majority of us that the amendment presented today to this honourable House benefits everyone as we want to deter persons from breaching quarantine, and deter persons from visiting those under quarantine and home isolation in order to protect everyone in these

Islands. One person who may be carrying COVID-19 and breaks quarantine can subsequently infect anyone they come in contact with which not only makes contact tracing difficult for the Public Health Department, but may and can introduce clusters of cases or, in a worst-case scenario, community transmission.

Mr. Speaker, you may be aware of a pilot quarantine programme introduced on Thursday, 17th September 2020, which allowed some arriving passengers to isolate at home rather than in an approved government facility. This programme is enforced by geofencing technology whereby each person quarantined in home isolation wears a wristband. So far, the trial has been going well and people are mostly compliant, sticking to the isolation rules.

While the proposed amendment is necessary as we get ready to fully roll out the programme next month when we commence the first phase of gradual border reopening, the Ministry continues to work with the Legislative Drafting Department to update the Public Health Law (2002 Revision) with the recommended amendments proposed by the Public Health Legislation Review Committee established in 2018. The current Public Health Law (2002 Revision) is outdated and requires a great amount of revision. We anticipate that the proposed amendments to the Law should be completed and sent to Cabinet for their consideration in 2021.

In closing, Mr. Speaker, I must specifically thank the Members of the Legislative Drafting Department and the staff at the Ministry who have contributed to putting the amendments together. I look forward to the support of all Members of this honourable House.

I thank you and God bless.

The Speaker: Does any other Member wish to speak?

The Honourable the Leader of the Opposition.

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

Mr. Speaker, I listened to the Minister and I cannot say that I am tickled by what he said because he specifically stated this is to deter people from encroaching on orders made by Public Health.

We are amending section 71 (2), which provides for penalties; it is specifically geared at areas in the law for which there are no defined penalties. I reviewed this law in its entirety and fines range between fifty and one thousand dollars. There are a couple of [sections] where it refers to being guilty of an offence and then goes over to the saving provision for there not being a defined penalty and that is one thousand dollars.

Mr. Speaker, though I understand what the Minister and all those in public health are trying to do, I have been here long enough to know that you cannot legislate morality.

The Speaker: Honourable Leader of the Opposition, what section of the Public Health Law did you refer to?

Hon. V. Arden Mclean, Leader of the Opposition: Section 71(2); this is the Public Health Law (2002 Revision).

The Speaker: Okay, continue.

Hon. V. Arden Mclean, Leader of the Opposition: Mr. Speaker, I have been here long enough to know that getting people to adhere by fear does not work; you are going to find people who knowingly or unknowingly... I understand the Law says if the person knows they are breaking the Law it is completely different to the circumstances of unknowingly doing it. What we are saying is that now we are moving from one thousand to ten thousand dollars.

Mr. Speaker, I know the courts have said on more than one occasion that they do not like people to tie their hands with "minimums". When we say one thousand dollars, they have the flexibility of going up to that amount depending on the circumstances. Mr. Speaker, during COVID-19 the Government applied a three thousand [fine] on those who would break the Regulations.

[Inaudible interjection]

Hon. V. Arden Mclean, Leader of the Opposition: I noticed some over there saying no and shaking their head; well, let me relay the case to you. We made a regulation saying that you could not go to the beach albeit we put it under the Police Law and there were no provisions for it — for a three thousand fine. This is for suppression of COVID-19.

I had a gentleman in East End whose dog escaped and ran out on the beach and the police found him getting the dog out of the sea, and yet they charged him. The judge would not even apply one thousand, but when he went shortly thereafter to pay the fine, they applied the three thousand. I said all that to say that is what happens in these circumstances.

Mr. Speaker, I do not think anyone should be breaking the suppression regulations, particularly in this case. I only found three places here where there are no specified fines. If someone knows any others, they can let me know what they are.

Section 24 states:

"24. Whoever refuses or neglects to comply with any direction given by a Medical Officer of Health having as its purpose the prevention, control or suppression of infectious disease, or enters a hospital or other place used for the reception of carriers or persons suffering from an infectious disease, or leaves such hospital or place

without the permission of such an officer, or refuses or neglects to comply with any of the requirements or conditions of observation, isolation or surveillance is guilty of an offence.”

Now, that is one instance when the one thousand applies.

I thought that the government, and rightly so, had taken it upon itself to ensure people stay within these isolations. I thought the government had done that; it is not free like in America where they talk about their rights and what-not, and they are free to roam. It was a decision made by the government. I believe one thousand is sufficient; if you want, even go up to three thousand but *ten thousand*, Mr. Speaker?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I understand the dangers it poses to the public, but I think the combination of government protecting those places and something like three thousand is sufficient. It is not going to deter people; you *hope* it does.

Mr. Speaker, the other one is section 26 of the Law **“Infected person not to carry on occupation”**. If someone knows [they are] suffering from a disease, who is **“...nursing or attending on a case of infectious disease, milks any animal, engages in any occupation connected with food or carries on any trade or business in such a manner as to be likely to spread the infectious disease;”**

I understand, but my position is there is no need for ten thousand on that because what we are saying is we are hoping that the ten thousand throws them into a state of fear... but it is not doing so.

Then we have another one, [section 30], about **“Removal of bodies”**. **“The bodies of persons dying of an infectious disease in a hospital or other place used for the reception of persons suffering from infectious diseases shall not be removed without the permission of a Medical Officer of Health”**. I would like to think that a body would have already been received by the authorities; ten thousand? What do we think we are in this country — body snatchers?

Mr. Speaker, I am not saying there is not a need to deter people from doing it, but ten thousand is a little excessive. You cannot impose draconian fines and hope they deter people. If we were putting it on the books just to have it on the books, but how many cases have we experienced?

The Premier, Hon. Alden McLaughlin: We are trying to have none.

[Inaudible interjection]

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

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: You cannot help yourself. That Premier; I tell you, he is incorrigible.

The Speaker: Before we get there, we will take the suspension until 5:45 p.m. We will break and come back at 5:45 p.m.

Proceedings suspended at 4:41 p.m.

Proceedings resumed at 5:29 p.m.

The Speaker: Proceedings are resumed. Please be seated.

PUBLIC HEALTH (AMENDMENT) BILL, 2020 *(Continuation of debate thereon)*

The Speaker: The Honourable Leader of the Opposition continuing his debate on the Public Health (Amendment) Bill, 2020.

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

Mr. Speaker, despite what others may say, I am not opposing or complaining just for opposition's sake, but because I do not believe this is necessarily the way we need to deal with these things.

I had the fortunate or unfortunate opportunity to go through [Hurricane] Ivan. At the time we only had the provision to institute [a state of] emergency under the Governor, so we were in the unfortunate situation whereby it was put in place by the then Governor. Some of us here know what happened then: someone else ran the country during the [state of] emergency whilst the then-Governor was lost in oblivion someplace and crying.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: Really? You laugh? Not many of you know what we went through.

Mr. Speaker, the Attorney General knows all about it. After becoming the Government in 2005, we tried everything to change that so this Legislature would be involved; we were unceremoniously rejected. [It was] not until 2016 that we got a little piece under the Police Law. The now Premier remembers. I still do not think it is enough.

Now that we are where we are, Mr. Speaker, we are criticised for handling it good, bad, or indifferently. You heard my letter to the Premier saying *‘one voice on these matters’*. This has been since March.

Whether we did it right or wrong, regardless of who benefits, they'll get criticised for it. I believe the time has come for us to do bespoke legislation for when we have these emergencies because, no matter what you do, you cannot satisfy everybody and you are going to encroach on people's liberties when you have a few individuals making decisions of that nature whilst you are in the middle of an emergency and you need to try to control the spread of disease or save lives, or whatever the situation we may be facing.

I believe it is time to do bespoke legislation and make it come to this Legislative Assembly in order that the public is aware of it and all representatives get involved. All Members of this honourable House need to stay involved because, as we have now changed the Standing Orders to allow [the use of] Zoom to have meetings through electronic means, it does not necessarily mean the House needs to [convene] here. We can do it through Zoom. We need to do it before we encroach unnecessarily on people's liberties and freedoms and only a select few are allowed to make those decisions.

Mr. Speaker, I do not believe we can make piecemeal amendments to legislation for the purpose that we are doing here. We are still in a crisis. The pandemic is still raging. I believe the time has come to create bespoke legislation for this particular case which will not require us to amend this piece of legislation to try to assist, because next week we may be coming back to amend another piece. Provisions have to be made for all these scenarios, and we come here, debate legislation and put it in place. Thereafter, we can come back and amend it as we see fit or give provisions for regulations. Without any disrespect to anyone, it should not be under the Public Health Law. It should not be [sic] the last resort for these situations. As a matter of fact, Mr. Speaker, I came here in 2000, and since then everybody has threatened to upgrade and repeal this piece of legislation.

I have had the opportunity to look at UK Public Health Law, particularly when this came out, and the structure there has the different disciplines under one particular Minister; garbage collection, the Department of Environmental Health (DEH), the Chief Medical Officer, are all under one piece of legislation. We need to do something like that. It is time that we do something about this piece of legislation; it is unnecessary. Now that we have had this experience with this pandemic, it is time somebody sat down to do it. We threatened we were going to do it again in 2004/2005 when we had Hurricane Ivan.

Every time we become inundated and have drainage problems, we threaten to do it and we have not done it. Maybe it is time now; maybe this one is warning enough for us to separate these [entities] because on the ground they are separate. The DEH is separate from "Public Health" — it has its own Department, yet certain aspects of it are controlled under the Public Health Law. When Dr. [Kiran] Kumar was

the Chief Public Health Officer... which again was separate and apart —

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Medical Officer of Health.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: He was responsible for Public Health.

Mr. D. Ezzard Miller: Right.

Hon. V. Arden McLean, Leader of the Opposition: We have created so many little departments; it is time to change this now and make provisions for bespoke legislation for when we have situations like we are experiencing.

Mr. Speaker, all we are doing is a little piece here and there and this one with the ten thousand dollars... there are areas in here that are just as serious such as transporting somebody with an infectious disease — a hundred dollars; but I believe I have found four or five areas where there are no [specific penalties], that we are [increasing] to ten thousand. That is my concern.

I would even be more receptive to it, Mr. Speaker, if we changed some other, real serious ones. For instance, section 28(1):

"28. (1) Whoever —

- (a) being the owner, driver or carrier of a public conveyance knowingly conveys in any public conveyance a person suffering from any notifiable disease;**
- (b) knowingly places in any public conveyance a person suffering from any notifiable disease; or**
- (c) being a person suffering from any notifiable disease enters a public conveyance, is guilty of an offence and liable on conviction to a fine of \$100."**

Yet, we are only talking about those that have no fines attached to them. Maybe we really need to look at all of these and put three thousand on all of them straight across the board because we can still spread it and it is not under that ten thousand.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: I may be far off track, but I am no medical person; far from it.

"31. (1) Whoever, knowingly casts, causes or permits to be cast into any place

designed for the reception of refuse, any rubbish infected by an infectious disease without previous disinfection, is guilty of an offence and liable on conviction to a fine of \$100 and if the offence continues, to a further fine of \$50 for each day during which the offence so continues after the service of a notice under subsection (2)."

That does not even apply, Mr. Speaker. Somebody can take it down to the disposal at the landfill entrance, and common sense can tell me we should know that it could spread from there. Mr. Speaker, those are the things that I think we need to look at.

I understand what the Minister is trying to do. I understand he is trying to deter people from these isolation sites but there are other areas that we need to address and the reason we are missing them is that this piece of legislation is not fit for purpose. If we are going to try to deter them from coming out of isolation sites, then we need to try and deter them from doing other things too; and I do not see it.

I am only trying to be helpful. I still believe the Minister or the Premier needs to bring bespoke legislation for this period here that we are in. We have brilliant drafters who can do that, and we put sunset clauses in there whereby it shall fall away after declared free by the Chief Medical Officer, Cabinet or on advice to Cabinet or whatever. I believe going forward we need to do it and we have time now. We have time because this epidemic is going to be here for a while. You are likely to be old by the time it is gone; tripping over your grey hair.

While I understand, I want the Minister and the Attorney General to look seriously and doing and doing some bespoke legislation now for this period. You have Dr. Lee, the Chief Medical Officer, make him help you all with it. It is of no use for us to be coming down here changing one little piece this week and next week we come change another little piece. We have enough brain power around here to think of all the scenarios that we just went through; we just spent six to seven months dealing with the same thing. You cannot have that many scenarios that you would be leaving out; you cannot have that many. I would be embarrassed if we left out that many scenarios.

We can and have learnt from other [countries]. We see what they went through. Let us put legislation in place so we do not have to worry about the Public Health thing; we can refer to it, but the Public Health Law can stand alone. We can refer to it as the authority given under that, Mr. Speaker, but we need to do a little more than put ten thousand dollars fine in this Public Health Law. Then, we won't be challenged by people for encroaching on their liberties. This legislation, if they challenge us, then the court will have to say it is incompatible, but that is what I want to see.

I challenge the Minister, the Attorney General, all his drafters, the Chief Medical Officer, and Dr. Williams; what is his position now?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Medical Officer of Health. I challenge all of them to sit and put their grey matter together and come up with bespoke legislation to deal with this crisis we are under. Let us not have another amendment to the Public Health Law for another crisis within a crisis when we come back next month – November.

I thank you, Mr. Speaker.

The Speaker: The Member for North Side.

Mr. D. Ezzard Miller: Mr. Speaker, I too have some concerns about the breadth of this amendment, and I agree with much of what the Leader of the Opposition has said. As he pointed out, there are offences under the Public Health Law which could be directly related to spreading the COVID-19 disease — such as carrying a COVID-19-infected person in a vehicle; and the other one he used was section 31, who knowingly casts COVID-19 infectious waste where somebody could get infected. I would ask the Minister to consider rewording clause 2 to make this fine applicable to COVID-19-disease regulations, as opposed to any offence in the Public Health Law which does not currently carry a penalty. I think it is the simplest way to do it and I believe it would also prevent the other suggestion from the Leader Opposition — that we have to come back to amend it because we forgot some other part.

I support what we are trying to do by increasing the fine for people who break the COVID-19 restrictions we are putting in place to prevent the spread of the disease. I believe if the legal drafters can find ways to put words into this clause that relate it and ties it to restrictions made by regulation or otherwise under the Public Health Law, whereby the offence for that carries a ten thousand dollar fine, then I believe I can support the legislation, Mr. Speaker. I just have concerns about it being such a wide brush as to the Public Health Law.

Thank you, Mr. Speaker.

The Speaker: The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Speaker, thank you and I shall be brief.

Mr. Speaker, first I want to thank the Minister and his team for bringing this amendment to the Public Health Law.

Mr. Speaker, as the Leader of the Opposition said, we do want this to be a deterrent to persons who are in home isolation and who might breach our home isolation. I also want to say that we did look around at

other territories and other countries that were charging people for that or the laws. Mr. Speaker, we found countries that had penalties from six thousand to seven hundred and fifty thousand dollars. Canada has a really high penalty for persons who breach their home isolation — it is seven hundred and fifty thousand dollars ...

Mr. D. Ezzard Miller: Isolation for COVID-19, that is specific; but this is not specific.

[Inaudible interjection]

The Deputy Governor, Hon. Franz I. Manderson: Yes, COVID-19; so, Mr. Speaker, I think what we have put forward is reasonable and I want to give some assurances that there is not one thing that we are not doing to try our best to keep the public safe and persons who are in isolation to remain.

Mr. Speaker, with your permission, just to give a bit of background on some of the things that we are doing in addition to this law.

- We have the technology (iMSafe bracelet) that we put on every traveller who arrives and goes into home isolation. That is monitored by a team at 9-1-1, 24/7.
- We have a dashboard there that if the person goes outside of the geofenced area, they get an alert.
- We have boots on the ground; a team of officers going around checking at people's homes, knocking on doors asking them to show themselves through the window just to ensure they are at home.
- We have another call centre of persons who are calling up persons and checking on them and taking calls from persons who are in isolation.

Hence, Mr. Speaker, this is a huge, huge operation by the public service to deal with home isolation; for keeping people in home isolation safe. I think up until Monday, there were over 600 people in home isolation. Mr. Speaker that is hundreds of homes and many persons to monitor. This is a massive operation and we do not want to depend just on the bracelet and the boots on the ground; we think we have to have a series of measures and this amendment to the Public Health Law is one of those measures whereby we are increasing the fine. Therefore, if we have a fine that is a deterrent, we have the iM bracelet, we have boots on the ground, we have a phone monitoring team, we have the iM bracelet being monitored by the team at 9-1-1, we think we have a really good strategy that has really worked well so far, Mr. Speaker.

With those few words, I just want to thank the Minister and his team for moving this amendment forward quickly. Thanks to Dr. Lee and everyone else involved, the legal drafters, the Acting Chief Officer,

everyone involved; and to pay tribute, Mr. Speaker, to the civil servants who are on the road right now doing a very difficult job in maintaining home isolation but also keeping us safe.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? I call now on the Minister for his right of reply.

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

Mr. Speaker, I thank Members for their contribution: the Opposition Leader, the Member for North Side, and the Deputy Governor for their contribution.

Mr. Speaker, as I understand it, any regulation cannot have a fine above the law, so we raise the penalties under the law so we can do so within the Regulations. This COVID-19 (or coronavirus) that is among us and throughout the world has not been seen by most people alive. It has been a hundred and two years since something like this has happened; no one expected it; no one saw it coming.

I agree with the Opposition Leader in terms of trying to legislate morality. When we had the death penalty, people still committed murder, you know. The dictionary defines morality as “**the character of being in accord with the principles or standards of right conduct.**” What the Members mentioned is exactly what we are intending to do: to deter.

The government did a fantastic job in terms of trying to keep us as COVID-19 free as possible; however, we recognise that at some point we will have to open and we are trying to do it in a systematic manner, as slowly and as safely as possible. When we open, we will have people coming from all over the world, so Mr. Speaker, it is not the regular common man that we are really trying to deter. We believe that our people here in the Cayman Islands—and as we have seen during COVID-19—are law abiding and orderly citizens.

Mr. Speaker, who we have to be mindful of is the man or woman who arrives here, who can easily afford to be at a hotel that costs them nine thousand in their stay for quarantine and that ten thousand is a drop in the bucket if they breach quarantine. These are also some of the persons we are trying to ensure that it deters them.

Mr. Speaker, as you've heard in Victoria, Australia, the fine is twenty thousand for a COVID-19 [breach]. In the UK, the COVID-19 breach fine is ten thousand pounds. For instance, in England, a hotel was fined ten thousand pounds for holding a wedding outside COVID-19 restrictions, so it is not only individuals but also corporations.

I hear the Leader of the Opposition about possibly charging three thousand dollars; but the fact is, Mr. Speaker, we do not want anyone to be charged at all. The word deterrence is the action of discouraging an action or event through instilling doubt or fear of the consequences. The deterrence theory works on

these three key elements: certainty, celerity, and severity.

Mr. Speaker, the Member for North Side mentioned a very solid point and before we go into Committee Stage, I will ask the team to look at that; we will look at it very seriously. I agree all the areas of the Public Health Law need amending. I think we all agree we have brought reams of legislation since COVID-19.

Mr. Speaker, before I close, I want to mention that what is set out now is ten thousand from one thousand because we were thinking of that person who would travel here and did not care about money. Initially we thought about fifty thousand, and then we went down to twenty-five thousand, and then we settled at ten thousand.

Mr. Speaker, the Government is mindful to take some of the suggestions on board; we'll have to discuss it with the legal team. I thank the Members for their contribution on this amendment.

Thank you, Mr. Speaker.

The Speaker: The question is that a Bill shortly Entitled Public Health (Amendment) Bill, 2020 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Public Health (Amendment) Bill, 2020 given the second reading.

MERCHANT SHIPPING (AMENDMENT) BILL, 2020

The Speaker: The Honourable Premier.

[Pause]

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

Mr. Speaker, I beg to move the second reading of a Bill shortly entitled the Merchant Shipping (Amendment) Bill, 2020.

The Speaker: The Bill has been duly moved. Is the Honourable Premier speaking thereto?

The Premier, Hon. Alden McLaughlin: Mr. Speaker, this very short amending Bill is designed to address issues around definitions in the Bill. It proposes to amend section 4(3) of the Merchant Shipping Law (2016 Revision) which relates to qualifications for owning a Cayman Islands ship. Their proposal is to amend the definition of “**approved country**”, by deleting the words “**Schedule 3 to the Money Laundering Regulations (2015 Revision)**” and substituting the words “the jurisdictions that are designated as

having measures for combating money laundering and the financing of terrorism which are equivalent to that of the Islands in accordance with section 5(2)(a) of the *Proceeds of Crime Law (2020 Revision)*.”

The Speaker: 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 rise on behalf of the Members of the Official Opposition to say that we are okay with this. It is a straightforward no-brainer so we are supportive of it.

Thank you.

The Speaker: Does any another Member wish to speak? If not, I will call on the Premier to close the Bill.

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

I thank all Honourable Members for their support expressed and tacit and commend this Bill to the House.

The Speaker: The question is that a Bill shortly entitled a Merchant Shipping (Amendment) Bill, 2020 be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Merchant Shipping (Amendment) Bill, 2020 given a second reading.

[Pause]

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

Mr. Speaker, I think that brings us as far as we can go before going into Committee Stage on these Bills. The one outstanding Bill is the Supplementary Appropriation Bill, 2020, and the Standing Orders require that once that Bill is moved the House must resolve itself into a committee to study the appropriations set out in the Schedule to the Bill, so the next stage would be the commencement of the committee to deal with the current Bills.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Though the House could resolve itself into committee now, Mr. Speaker, I prefer not to, as some of my Ministers may

have statements, et cetera, to make. I am not certain, so I will leave it until Monday.

Mr. Speaker, I want to say formally what I have said to some Members of the House — the first Bill is the Legislative Assembly Management Bill. Amendments to it have been proposed, hence I believe we would all benefit from having consultation prior to the Committee Stage so I would ask Members whether we can huddle before the House begins on Monday morning so we can be clear what Members will support and what they have issues with. I know some Members have proposed various amendments; if we can come to some agreement about those, we should be able to proceed more expeditiously through the Committee Stage with respect to that Bill, so if Members could possibly get here a little earlier, it would help us get off to a 10 o'clock start.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Yes, the suggestion is that we would meet at 9:00 a.m.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Let us do our very best. We know some have more challenges than others, but let us do our collective best, Mr. Speaker.

The Speaker: Honourable Premier, before you move the adjournment, I have given permission to the Member for Prospect to bring congratulatory remarks.

Congratulatory remarks for Ms. Leisa Welcome

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

I wish to rise in accordance with, I think it is Standing Order 12 (1), to raise a matter of public importance —

[Inaudible interjection and laughter]

Mr. Austin O. Harris, Elected Member for Prospect: — Which I believe Honourable Members of this House will agree with and hopefully lend their support to.

Mr. Speaker, like many things, the 2019 Cayman Islands Government Employee of the Year Ceremony was delayed because of the COVID-19 pandemic, and the ceremony was held last evening. As such, on behalf of the Honourable Premier, the Unity Government, and all honourable Members of this House, I wish to congratulate Ms. Leisa Welcome on being awarded the coveted Employee of the Year Award 2019.

Mr. Speaker, the COVID-19 pandemic gave rise to many heroes. In my opinion and that of her peers, Ms. Welcome is certainly one of them.

Ms. Welcome works as the personal assistant to the Chief Officer in the Ministry of Community Affairs, which is led by the Honourable Premier and assisted by me as Counsellor and is responsible for Departments like the Needs Assessment Unit (NAU) and the Department of Children and Family Services (DCFS), which provide oversight over the older persons' home as well as facilities for young people with disabilities. I think it is fair to say, without fear of contradiction, that those two Departments — the NAU and DCFS — truly stepped up to assist our most vulnerable both during and after the COVID-19 lockdown.

Ms. Welcome brings dedication, enthusiasm, compassion, and her very best to every day on the job; in my opinion, that is someone the people of the Cayman Islands can truly be proud of and it lends itself to a truly world-class civil service such as I know the Deputy Governor aims to provide.

With those brief words, Mr. Speaker, I would encourage honourable Members to offer their congratulations, which I believe are very well deserved, to the Employee of the Year for the Cayman Islands Government 2019, Ms. Leisa Welcome.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Leader of the Opposition

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I could not allow this to go without having my say.

Earlier today the Deputy Governor asked me, "Did you congratulate Leisa?"

"Congratulations, love. I always knew you were the best, so no news there." That is what I sent to her this morning at 7:34 a.m. When I was Minister, she was my rock, so that was not a surprise; she should have had that a long time ago. She does everything beyond anything you could even ask of Leisa. I told the Deputy Governor that I only had two faults with her:

1. She did not want to take the Cabinet Secretary job — you remember that Premier?
2. She was so dedicated to her children that she would not go back to school.

Lisa is from East End. She is a Registering Officer for the district of East End, and we also made her a JP recently. That tells you how respected she is in that community. East End can be justly proud of her. I am a good family friend, and I am extremely proud of Leisa and her family as well, so now I publicly say congratulations, Leisa, and keep up the good work.

[Inaudible interjection]

The Speaker: The Honourable Minister of Heath.

Hon. Dwayne S. Seymour: Mr. Speaker, I thought I should get up to congratulate Leisa because she was also my PA in 2013 and definitely, as the Leader of the Opposition said, she was my rock. There was nothing I asked for that she could not find or create, and I think it is well deserved by Leisa as Employee of the Year; congratulations, Leisa Welcome.

The Speaker: The Member for George Town Central.

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

[Inaudible interjection]

Mr. Kenneth V. Bryan: I had a short stint working with the Honourable Premier and had many interactions with her in her professional capacity, particularly in the Department of Children and Family Services. I want to say congratulations to her too and in the event I am in Cabinet when I get on the Government side, I know who to look for to be my rock.

Thank you, Mr. Speaker.

[Laughter]

ADJOURNMENT

The Speaker: Honourable colleagues, with some secrets coming to light, I will ask the Honourable Premier to adjourn the House.

[Laughter]

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

As the Member for Prospect noted, I am the Minister for the Portfolio of Community Affairs, but I thought it was quite proper and appropriate [that he] offered the congratulations because essentially, he has been that Ministry's de facto Minister for the last three-plus years and he runs it very efficiently. I know Leisa from when she was the Leader of the Opposition's PA back in 2005 and because of that in particular, I know her to be patient and long suffering.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: Me too!

The Premier, Alden McLaughlin: I want to add my voice of congratulations to her. She is a very, very fine young lady and a credit not just to the Civil Service, but to the district of East End and to the Cayman Islands as a whole; well deserved.

Mr. Speaker with that, I say Happy Weekend to all Members. Be safe in this weather and I adjourn

this honourable House until 10 a.m. on Monday coming.

The Speaker: The question is that this honourable Assembly do now adjourn until 10 a.m., Monday, 26th October.

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

AYES and one audible NO

The Speaker: I think the Ayes have it.

[Laughter]

The Speaker: The honourable Assembly stands adjourned until 10 a.m. Monday, 26th October, God's willing.

At 6:22 p.m. the House stood adjourned until 10 a.m. Monday, 26th October 2020.