

PARLIAMENT OF THE CAYMAN ISLANDS

OFFICIAL HANSARD REPORT

First Meeting of the 2020/2021 Session

Second Sitting

Monday
7 December, 2020
(Pages 1-31)

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

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PRESENT WERE:

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

MINISTERS OF THE CABINET

Hon. Alden McLaughlin, MBE, JP, MP	*Premier*, Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs
Hon. Moses I. Kirkconnell, JP, MP	*Deputy Premier,* Minister of District Administration, Tourism and Transport
Hon. Roy M. McTaggart, JP, MP (*Via Zoom)*	Minister of Finance and Economic Development
Hon. Joseph X. Hew, JP, MP	Minister of Commerce, Planning and Infrastructure
Hon. Tara A. Rivers, JP, MP	Minister of Financial Services and Home Affairs
Hon. Dwayne S. Seymour, JP, MP	Minister of Health, Environment, Culture and Housing

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

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

OPPOSITION MEMBERS

Hon. V. Arden McLean, JP, MP	*Leader of the Opposition* - Elected Member for East End
Mr. Alva. H. Suckoo, Jr., MP	*Deputy Leader of the Opposition* - Elected Member for Newlands
Mr. Anthony S. Eden, OBE, MP	Elected Member for Savannah
Mr. Christopher S. Saunders, MP	Elected Member for Bodden Town West
Mr. Bernie A Bush, MP	Elected Member for West Bay North

INDEPENDENT MEMBERS

Mr. D. Ezzard Miller, MP	Elected Member for North Side
Mr. Kenneth V. Bryan, MP	Elected Member for George Town Central

APOLOGIES

Hon. Juliana Y. O'Connor-Connolly JP, MP	Minister of Education, Youth, Sports, Agriculture and Lands

OFFICIAL HANSARD REPORT
FIRST MEETING 2020/2021 SESSION
MONDAY
7 DECEMBER 2020
11.01 A.M.

Second Sitting

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

The Speaker: Good morning.

I call now on the Honourable Minister of Commerce to say prayers.

PRAYERS

Hon. Joseph X. Hew, Minister of Commerce, Planning and Infrastructure, Elected Member for George Town North: 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 Cayman Islands Parliament now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

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

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

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

The Speaker: Please be seated.

Proceedings of this honourable House are now resumed.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

The Speaker: None.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

The Speaker: Honourable Members, I have several messages this morning.

Firstly, to apologise for our colleague the Minister of Finance who is not able to be here in the Chamber, but is certainly attending the meeting by *Zoom*.

Honourable Members, today marks a historic sitting following the auspicious and momentous inauguration when the Legislature last Friday became an autonomous House of Parliament. This is our first working day.

As Members of Parliament (MPs), we are put here by the people of the Cayman Islands and to that end we need to serve the people with our respect and to ensure their continued survival we will always do what we have done, and that is to act with fairness; and despite our spirited debates, at the end of the day our intention is to make laws to govern the people of the Islands, and laws or acts that will serve in the interest of our jurisdiction and for the betterment of our people.

Most importantly, it is worthy to note the Legislature is no longer a department but now rather, an institution, being a Parliament. Apart from being autonomous and perform our unique legislative functions, continued equal respect must be shown to the other coequal branches, being the Executive and the Judicial arms of Government.

The Executive clearly makes policy and provides strategic directions for us. In terms of the Judiciary being the interpreter of our laws, it is note-worthy that during these last number of years as a developing country, as the country prospered, so did our problems grow and become more complex and diverse. I recall Members, when I came here in 1984, there was a Chief Justice and a Magistrate and I think we did have a puisne judge at juvenile court. In our judicial system today, we do have a family court, financial services court, drug rehabilitation court and a probate court to deal with those complex issues. We thank our God that we are able to move with the times and have moved with the

times over the years. Those courts do address social issues as well.

On the occasion of our last meeting of the historic closure of the 1959-2020 Legislative Assembly, Members all had a chance to speak. On that occasion, one Member chose to chastise other Members on their conduct with regard to the House meetings and what he claimed as disrespect to our national institution. In that manner, he also chose to take a swipe at the Speaker and my rulings.

The meetings of this honourable House are only one part, a piece of work of some Members. One cannot compare the work of the House today and the needs of the country of 1960 or 1984, to that of this country, the Cabinet, and this House today.

Government today and in recent years has dealt from the Gulf War in the East, hoof and mouth diseases, terrorist attacks, [Hurricane] Ivan, earthquakes, hurricanes and still, in the throes of the COVID-19 virus, faces the most challenging times that I have ever seen. From what I can remember, Ministers and others are meeting before they get to the office in the morning, meeting in the office before they come down here, meeting while the House is meeting, and meeting when they finish the Meeting.

We have a small number of Members in comparison to other countries with billion dollar economies and sometimes our problems are as huge as any metropolitan state. We all see that you complain because the House starts late and you want to leave at 4.30 p.m. to go home; that is a thing of the past.

Who are we meeting with? We are meeting with people, our constituents, who need to meet and who really need to see the Minister or they lie in wait by the gate. If they don't get him by the gate they walk into the Assembly here. Hence, you may chastise Members for what the Member says is *disrespecting our national institutions*, but I think it is inconsiderate of what a government has to go through in today's world.

Ministers in particular meet with staff members and civil servants whose duties demand the Minister's time; decisions that must be made that day, sometimes in the immediate. So, with all the work being done we are going to complain because we can't get to leave at 4.30 p.m.?

When I came here in 1984 the Audit Office wasn't effective; it became so after 1992, but too late then to stop some of the pure mismanagement of Government funds. At that time, civil servants came and they gave their evidence, as did other members if they were called. Today, government work—from what I am seeing—is affected, because staff will say, *We don't know how to move, because when we think we are doing right, we are told in the Public Accounts Committee (PAC) that we are wrong and sometimes threatened with sense emotions.*

There is no doubt that the PAC is an important body charged with making sure government money is spent right, but it cannot deal with government policy. It is a part of the institution of Parliament; it is a creature of the House, responsible to the House. The House has the ability to check any Member in their rush, and then the PAC reports to the House for a reason. However, I must say worse is to run off to a radio show telling one side of the matter to a host or persons who don't know otherwise, yet they agree. They do not know what they are talking about but they agree. Even when the matter has not been laid, whether you agree or not with the points that the Presiding Officer raised, you get on the radio where the Speaker really cannot do justice to answer a complaint and shouldn't have to because Members know that it's against the rules for a Member to do that.

In the last Meeting of the House, I delayed the PAC report dealing with the Utility Regulation and Competition Office (OfReg). I made no ruling but I did make a statement. I was since taken to task on the radio shows by the Member for North Side, the current Chair of the PAC. I am compelled to respond to the misguided assertion advanced by the Member for North Side, with regards to the discretion to delay the Annual Reports for the year 2019/2020 of the Public Accounts Committee in my capacity as Speaker of the former Legislative Assembly.

For the avoidance of any doubt whatsoever, I respectfully disagree with the Member's opinion, upon which the Member hopelessly sought to rely. In blunt terms, as Speaker, I do have the discretion to delay the report based on the reasons that I gave, as much as I could, and I will give here now.

It is important to note, the background of the report for the benefit of the people of these Islands who may have unwittingly formed a belief based on inadequate information that restricts their ability to achieve a balanced perspective. It is rather curious though, that the Member seeks to challenge my ability to delay an already belated report.

The *Hansard's* excerpt will reflect that the Member sought leave to lay the report, as is custom, in respect of which he offered an apology for the notable delay. Separate and apart from the fact that the request for leave implies the Speaker's inherent authority, the Member failed to cite the basis of jurisdiction for his own delay.

In response to the Member's request for leave, I explained that there were matters connected to the report that warranted closer scrutiny based on an initial cursory glance at its contents. I further explained that the report was only disclosed to me the previous morning, and would require verification of its contents.

When challenged by the Member, I reinforced my reasons and underscored the need for a cautious approach, especially because I did not have opportunity to absorb the report, nor the peripheral information it contained. This was not a two-page report—the verbatim minutes are over 50 pages. The other factor is that I had a complaint from a witness whose evi-

dence was not recorded in the minutes, yet his character was being smeared by the accusation that he was lying to the committee.

Much to the credit of the Member from North Side and his recent campaign on both radio shows, it is now common knowledge that the report contains sensitive information that pertains to unsubstantiated allegations against an integral member of the Utility Regulation and Competition Office (OfReg), who has made complaints to me as presiding officer.

As I said, it was this revelation upon my fleeting review of the report, and the potentially irrefutable damage to the otherwise exemplary character of the referenced OfReg member, that formed the basis of my decision to delay the report. I must say here that I intend to allow the report, but with my statement attached to it at the same time.

It is a long-standing and universally accepted practice in the Commonwealth that we defer to United Kingdom (UK) Parliament and other Commonwealth jurisdictions for guidance, where our Standing Orders are silent and even to buttress any rulings made by any presiding officer of this honourable House.

Despite what the Attorney General's Chambers has said, there is no order whether in the Cayman Islands, nor the UK, that prevents the presiding officer from delaying the report; the Speaker's discretion is inherent.

More modernised Parliaments such as New Zealand in 1996, made procedural changes intended to prevent abuse in the form of allegations that may impair a person's reputation. An extract from the text *Parliamentary Practice in New Zealand*, Third Edition, authored by David McGee states as follows—and I should say before I read it that these are rulings, practices and conventions that Commonwealth presiding officers rely on today. We don't only rely on the UK which sometimes is very archaic.

Anyway the *Parliamentary Practice in New Zealand* says:

A major procedural change made in 1996 was the adoption of procedures designed to bring to the attention of the persons, any allegations that are made against them that may seriously damage their reputation and to give them a right to respond to such allegations. Committees should be alerted to preventing irrelevant and unnecessary personal allegations being made in the first place. Select committee's hearings are not occasions for any personal vendetta, even if an allegation is made, committees have power to expunge irrelevant allegations from the committee's transcript and to return written evidence. They are also obliged to consider seeking an order of the House permanently suppressing the evidence, if that was needed, but such allegations may not be enough to remove the stain of an allegation that has entered the public domain.

The right to be informed and the right to reply, arise where an allegation is made against a person that may seriously damage the reputation of that person. Whether an allegation may cause serious damage to reputation is a matter for the committee to assess in deciding whether it must activate the information or reply provisions of the Standing Orders. Where allegations are directed at someone the committee will wish to hear a reply to those allegations in any case so that it can make informed conclusions on them. This is especially so when allegations are made against a public body which is, by definition, under a public duty to account to the House.

However, mere criticism, especially of a public body is not seen as amounting to a serious damage to repetition and thus requiring the application of the reply provisions. In the political environment of parliamentary proceedings a higher threshold for criticism applies that might operate generally. Committees are therefore obliged to identify allegations in written evidence that may seriously damage the reputation of others, and if necessary, to take pre-emptive action by returning or expunging the evidence or hearing the evidence in private.

Where it does receive such evidence, a committee must draw any allegations to the attention of those persons against whom they are made.

[UNVERIFIED QUOTE]

That's the bottom line. You wouldn't expect to go to court and not have a chance to give your side of the story. That is simple common law, but at the root of this and at the root of what we do must be the adherence to law as it is. The rule of law; a person is innocent…must be given a chance to reply to the accusations made against him.

A person who is about to appear before a committee must be informed of or given a copy of any evidence or material in the committee's possession, other than secret evidence that contains an allegation that may seriously damage that person's reputation. It is then expected that that person, in giving evidence, will respond to the allegation. At the very least, that person will thereby have an opportunity to do so.

Anyone whose reputation may be seriously damaged by a committee's proceedings can request from the clerk of the committee, a copy of all material evidence, other than secret evidence, records or other information, which the committee possesses concerning that person. Such a request is considered by the committee, and if it considers it necessary to prevent serious damage to that person's reputation, the material is provided to the person concerned. It may however be provided in a different form so as to avoid undue difficult expense or delay.

Where a serious allegation is received or made in public or private, the committee is obliged to consider whether to expunge it from any transcript of the hearings and whether to inform the person against whom the allegation was made.

In the case of an allegation made at a public hearing, merely expunging the evidence from the transcript without informing the person concerned and giving him or her an opportunity to respond, it is not likely to be an adequate means of dealing with the matter. In the case of a serious allegation made or received in secret, the committee is also obliged to consider whether to return the evidence or seek to suppress it. If no such action is to be taken, it must then inform the person against whom the allegation was made of it, if it considers that the damage to that person's reputation outweighs any detriment to the witness who gave the evidence.

Where a serious allegation has been made against a person, that person must be given a reasonable opportunity to respond to the allegation by written submission and personal appearance before the committee.

While the committee is obliged to give a person an opportunity to make a response, it and its members are not obliged to believe or accept the response that is made, or to believe or accept the initial allegation for that matter. If the matter is considered material enough to the committee's work, the committee may make findings indicating that it does not accept the responders explanation, though if these are to be included in its report as adverse findings, that person must be given an opportunity to comment on them at the draft report stage.

[UNVERIFIED QUOTE]

The Member is well aware that the referenced OfReg member is a former long-standing Member of this honourable House and a former ranking civil servant. I do not see the useful purpose to speculate on anything at this time. It is clear though that the contents of the report have the potential to inflict undue damage to the member's reputation, and that is the complaint.

I was not afforded the opportunity nor did I receive the prior notice from the Member as to the allegations contained in the report. It is clear from the position adopted though in New Zealand, that best practices dictate transparency, especially in circumstances such as these, and it is incumbent upon the Member to perform his duties in that way. The decision to lay the report belated and the subsequent attempts to undermine the Presiding Officer's authority to briefly delay it leaves much to be desired.

I should say that when I was criticised on the radio, I thought, *How come the Member would seek to go on national radio to challenge the Speaker's authority on what he claims to have been a breach of the Standing Orders; however, he failed to offer an explanation as to how he came to be in the position as Chair of the PAC; a post he continues to occupy despite his expulsion from the Official Opposition many moons ago*?

The relevant passage from the well-known texts Erskine May Parliamentary Practice 24th Edition page 847, makes this position crystal clear and leaves absolutely no room for ambiguity in this regard.

It states, and I quote: **"The Committee of Public Accounts (commonly known as the Public Accounts Committee) was first appointed in 1861. Standing Order No 148 now provides for its examination of the resource accounts and of 'such other accounts laid before Parliament as the committee may think fit'. The number of members of the Committee is fixed at not more than 16. One of its members is by convention a Treasury Minister, who receives agendas but does not attend meetings.** [But, particular to what I am saying, is this…] **Its Chair must be a Member of the Official Opposition."**

I have consulted the relevant provisions within the Standing Orders and the Constitutions of the Cayman Islands and I am satisfied that I am authorised to lay the report for the reasons previously noted. Though the provisions may be silent on the issue as to discretion of the Speaker to delay the Tabling of a report from the PAC, equally so, there are no provisions that prohibit the ability to do so whether locally or in the United Kingdom.

For reasons I have articulated here, I found it acceptable to rely upon common practice of another Commonwealth jurisdiction, namely New Zealand, held to be good law. If we are to adhere so strictly to Standing Orders, it should be notably mentioned what I have just said from Erskine May's.

It remains my humble view, that a public hearing is not an appropriate forum for personal allegations, nor do I see it fit that an unsubstantiated report prepared by the PAC should be allowed by the Speaker to be tabled blindly and without verification as to its contents, specifically where the named subject has not been provided with an opportunity to address the allegations with the report. I received the e-mail from Mr. Pierson and I read that aspect:

I write to confirm my telephone conversation with you on Wednesday, 14th October, 2020 regarding the above subject.

The following preface provides the context for my detailed comments below. My complaint to you, as Speaker of the honourable Legislative Assembly (Parliament) was to apprise you of the incorrect manner in which the Member for North Side, Chairman of the Public Accounts Committee, directed the PAC to strike my sworn testimony given on the 15th July, 2020 from the PAC records.

He determined that my testimony was falsified based solely on a fact-check presented to the PAC by the Auditor General. Neither did Mr. Miller allow me to read the Auditor General's allegations against me nor his report concerning me, which he as Chairman, should know is not in compliance with proper parliamentary procedures.

Further, I sent an e-mail to Mr. Miller on Sunday, 26th July, 2020 expressing my concerns regarding

the action taken by the PAC to strike my sworn statement, but to date I have not received the courtesy of a reply from him.

I am most concerned that as a witness at the PAC meeting, that there would be reputational damage done nationally and internationally to my character. I stress that there has been no effort to discuss with me what was being included in the PAC report, which is intended to be tabled in the Legislative Assembly.

I am not going further, although he went on to explain about the matter, and I want to state why. I could not, as Presiding Officer, delay or stop the Auditor General's report from being tabled because that is sent here and it is distributed before anyone gets a chance to defend themselves. That is not something that I agree with, but that is the Standing Orders and therefore I have no jurisdiction to stop it, but where—and I repeat—allegations are made against a witness, that witness must be given a chance to come to the Committee and give his side of the story, to put it bluntly.

The report shall be ordered to be laid, but with my ruling attached. I thank you for your indulgence on this matter and do hope that it does not go back into a radio show. I must repeat that it is unfair for these matters to be taken on radio so that two radio show hosts, who do not know what they are talking about, can berate the Presiding Officer; even going as far as one did to talk about investigations because of the delay.

If this keeps up, I must tell you, from what I hear from civil servants, where one came down here and fainted; bear that in mind, Honourable Members, in this new era of Parliament: We are not here to kill people. We are not here in any Committee to do that. We are not here in this House to do that. We are protected, whereas the witness is not so protected, but the witness does have protection to the extent that the witness must be given a chance when he is accused of a matter to have his say and it be recorded.

PRESENTATION OF PETITIONS

The Speaker: None.

PRESENTATION OF PAPERS AND OF REPORTS

CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS ANNUAL REPORT – FISCAL YEAR ENDING 31 DECEMBER 2018

CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS ANNUAL REPORT – FISCAL YEAR ENDING 31 DECEMBER 2019

[Pause]

The Speaker: The Honourable Premier

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

I beg to lay on the Table of this honourable House the Annual Report for the Civil Aviation Authority of the Cayman Islands for the fiscal year ending 31 December 2018 as well as the Annual Report for the Civil Aviation Authority for the fiscal year ending 31 December 2019.

The Speaker: So ordered.

Is the Premier speaking?

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

CAYMAN MARITIME ANNUAL REPORT JANUARY 2019 - DECEMBER 2019 – MARITIME AUTHORITY OF THE CAYMAN ISLANDS (MACI)

The Speaker: The Honourable Premier.

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

I beg to lay on the Table of this honourable House the Annual Report of the Cayman Maritime Authority for the year January 2019 to December 2019.

The Speaker: So ordered.

Is the Premier speaking?

The Speaker: No, thank you, Mr. Speaker.

CAYMAN ISLANDS MONETARY AUTHORITY ANNUAL REPORT 2019

The Speaker: The Honourable Minister of Financial Services.

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

I beg to lay on the Table of this honourable House the Annual Report and the 2019 audited Financial Statements of the Cayman Islands Monetary Authority (CIMA) for the 12 month financial period beginning 1st January, 2019 and ending 31st December, 2019.

The Speaker: So ordered.

Is the Minister speaking?

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

The Annual Report Tabled for CIMA is comprised mainly of three key sections: an industry overview, organisational developments which include regulatory enhancements and international involvement; and the audited financial statements as at the 31st December, 2019.

The Auditor General issued an unqualified opinion on the financial statements of CIMA as at 31st December, 2019. I will now speak about the contents of the audited financial statements first starting with the financial performance. CIMA's net income for the reporting period ending 31st December, 2019 was CI $5.83 million. Net income in the 12-month period of 2018 was CI $8.358 million of which, for the 2019 period that is, $830,000 was allocated for CIMA's capital expenditure reserve and $5 million was allocated to the general reserve of the Cayman Islands Government.

Looking at the Authority's balance sheet total assets for the year ended 31st December, 2019 were CI $206.085 million whereas total assets of the year ending 31st December, 2018 were CI $178.502 million and the 2019 figure representing 146.82 per cent of total demand liabilities, that is, currency in circulation at the end of 2019. Total demand liabilities for the year ended 31st December, 2019 equalled CI $140.369 million. Total demand liabilities represent the face value of currency notes and coins in circulation. Total reserves were CI $33.055 million for the 12-month period ended 31st December, 2019, whereas total reserves in the 12-month period for 2018 were CI $32.871 million while contributed capital in 2019 remained at CI $2.328 million the same as the previous 12-month financial period.

CIMA collected $102.3 million in coercive fees from regulated entities on behalf of the Cayman Islands Government for the reporting period ending 31st December, 2019 in comparison to the $104.5 million for the period of 1st January, 2018 to the 31st December, 2018. As at the 31st December, 2019 currency in circulation, excluding the numismatic coins stood at $127.5 million in notes and $12.9 million in coins which totals $140.4 million. This represents a 10.9 per cent increase from the 31st December, 2018 figure of $126.6 million.

Industry Overview

I will now highlight some of the significant updates of the Authority in key sections starting with the industry overview. I am pleased to report that the financial industry remained highly competitive in several areas during the reporting period of 1st January to 31st December, 2019.

The Cayman Islands is home to 125 licensed banks and as of September 2019 was ranked 13th internationally in terms of cross-border assets and 14th in terms of cross-border liabilities according to international banking statistics compiled by the Bank for International Settlements. All though there has been a decline in the number of licenced banks as such entities continue to adapt their own business models and optimise structures, the remaining active banks are associated with well-established institutions with strong balance sheets, capitalisation, and sound funding access.

The domestic retail banking sector has also exhibited relative stability in terms of composition and services offered. Access to correspondent banking relationships continue to be a challenge as the US correspondent banks continue to de-risk. CIMA remains in dialogue with other local and regional stakeholders to identify a long term solution to this issue.

With a total of 10,857 regulated funds during that period, the jurisdiction remains the premier domicile of choice for funds. There were ebbs and flows during 2019 but the numbers were higher than expected in the last quarter of the year resulting in an overall strong finish. Though a small decline, this is considered to be a positive indication of a rebound in the funds sector from CIMA's perspective.

Trust and corporate/company management services: The Cayman Islands has been a top international location for the provision of trust services and remains with 397 companies licenced or registered to provide these services in and from within the jurisdiction. Regarding insurance, with 764 total insurance licensees, the Cayman Islands remains the world leading domicile for healthcare captives and the second largest for captives. Since the previous report, 41 new issuer licences (including Portfolio Insurance Companies) and three insurance intermediary licences were added to the market.

During the reporting period of 1st January to 31st December, 2019 and for the fourth consecutive year, 33 new insurance companies were added to the Cayman Islands international insurance market. While traditional captives, including healthcare captives continue to be formed, the jurisdiction saw an increased diversity of new insurance companies in 2019.

For the period reporting, no licensing applications were approved for securities; of the 13 applications received: six were refused, one was returned, and four were withdrawn. In the same period two licences were cancelled or revoked compared to 2018 in which nine licence applications were approved and five licences were cancelled. Existing licences predominately relate to broker dealers and/or market makers who offer foreign exchange trading and over the counter contracts for differences to retail, institutional and/or professional clients in varied countries.

At 31st December, 2019 there were 38 securities investment business licence holders. As at 31st December, 2019 there were 2,198 excluded persons compared to 2,926 at the same date in 2018. This represents a 25 per cent decrease in registrations over the past year. There were an additional 63 registered persons.

Organisational Development

Mr. Speaker, I would now like to highlight the organisational development that took place at the Authority during the 12-month financial period ending 31st December, 2019 as outlined in the Authority's 2018-2020 strategic plan.

One of the pillars of the plan is enhancing efficiency and effectiveness through structural and functional reforms. A key component of these reforms was addressing the need for the Macro-Credential Unit through the creation of the Financial Stability and Statistics Unit (FSSU). The FSSU focuses on research in the area of financial stability and macro-credential supervisions and has a cross functional role. The FSSU also assists the Authority's supervisory divisions by providing statistical support with survey designs, forms, databases and business intelligence tools and through the collection and compilation of survey responses and data sets not collected by the supervisory divisions.

Another crucial enhancement for the Authority was the creation of the Anti-money Laundering (AML) Division. A division dedicated to the monitoring and supervision of regulated entities to ensure compliance with AML and CFT (combating the financing of terrorism) requirements. As a result of establishing the AML division the Authority's AML/CFT efforts led to a significant increase in the number of AML/CFT onsite inspections; enhancements to the collection and analysis of data, facilitated in part by recent legislative amendments, to better inform the Authority's understanding of the inherent money laundering and financing of terrorism risks present in each sector; and participation in and host of various AML outreach sessions for a cross-section of regulated entities.

Mr. Speaker, turning our focus to the Authority's human capital development, HR efforts for 2019 included significant training activities, learning and development; and recruitment. Training activities included sessions on the new risk-based methodology, administrative fines, and the AML/CFT. The process to enhance the Authority's learning and development program through the recruitment of a learning and development specialist also commenced in 2019 with the successful candidate on-boarded in 2020. During the year, 31 new persons were hired to join the organisation, 21 of whom were Caymanians. Of the 31 recruits, 19 were for the regulatory divisions, 7 for technical support in law, compliance, policy and statistics; and 5 for other operational areas. Total staff compliment as at 31st December, 2019, was 214.

Other initiatives conducted in support of the Authority's 2018 to 2020 strategic plan included promoting and enhancing market confidence, consumer protection and the reputation of the Islands as a financial centre to satisfy statutory obligations. This involved numerous activities such as more speaking engagements locally and overseas, meetings with local financial industry associations, conducting counterfeit detection awareness training in partnership with the Royal Cayman Islands Police Service's (RCIPS's) Financial Crime Unit, visits to other regulators, participation in various standard setting and or influential organisations including the Financial Stability Board's (FSB's) Regional Consultative Group for the Americas.

Turning to the regulatory update, efforts continued to strengthen and enhance the regulatory framework governing the Financial Services Industry of the Cayman Islands. In collaboration with the Cayman Islands Government, other stakeholders, and competent authorities, the Authority took several steps to implement continued measures and recommendations following the Caribbean Financial Action Task Force's (CFATF's) review which took place in December 2017.

Throughout the year, the Authority issued an updated 10 regulatory measures— that is rules, statement of guidance, guidance notes, and policies and procedures covering Class 'C' insurance companies, brokers and agencies, market conduct of Trust and Corporate Service Providers, Basel III ratio for banking licensees, CIMA's expectations for succession planning, actuarial evaluation reports, assessments of fitness and propriety and criteria to approve changes in ownership, shareholdings, and control for the purposes of the relevant laws across all sectors.

A new section, which is section 14, was inserted in the guidance notes on proliferation and proliferation financing. This area includes subsections on the domestic legislation relating to proliferation financing; the difference between proliferation financing and money laundering; the challenges associated with identifying proliferation financing; and obligations of financial service providers when screening clients for proliferation financing.

Furthermore, in 2019 the Authority was assessed by the Group of International Finance Centre Supervisors (GIFCS) against the standard on the regulation of Trust and Corporate Service Providers. The standards set out expectations for regulators in areas such as licensing, corporate governance, conduct administration and financial crime and international sanctions. This is the jurisdiction's first evaluation of compliance to the standard, and the assessors report was subsequently received in August of this year.

Mr. Speaker, I wish to now speak to the Authority's involvement on an international front. During the year, CIMA continued to benefit from having a seat on multiple overseas international and regional working groups and bodies including the Caribbean Group of Banking Supervisors (CGBS), the International Association of Insurance Supervisors (IAIS), the Financial Stability Board, the International Organisation of Securities Commissions (IOSCO) and the Group of International Financial Centre Supervisors. During the events, panel discussions, plenary meetings and workshops, a variety of topics such as emerging market trends, key regulatory focused areas, potential risks and challenges, including other global issues were covered. The Authority is also actively involved with the work of the Caribbean Financial Action Task Force. Several

senior staff members participated in various overseas meetings and training sessions in an effort to address the concerns reflected in the CFATF assessment report and demonstrate the jurisdiction's effectiveness in its implementation of the recommendations highlighted within the report.

Lastly, the Authority also represents the jurisdiction on a number of other organisations such as the International Organisation of Securities Commissions, the International Association of Insurance Supervisors, the Caribbean Association of Insurance Regulators (CAIR), the Caribbean Group of Banking Supervisors, the Association of Supervisors of Banks of the Americas, the Global Forum on Transparency and Exchange of Information for Tax Purposes Steering Committee and the Peer Review Committee, the Group of International Insurance Centre Supervisors, the Caribbean Group of Securities Regulators and the Offshore Group of Collective Investment Schemes (OGCISS) Supervisors.

In conclusion, I have attempted to provide a summary of CIMA's annual report and to highlight several key areas of development. CIMA plays a critical role in our Financial Services Industry and has proven its commitment to play is part in contributing to the continued success of the jurisdiction. The Government remains confident in the strength of CIMA especially in its ability to operate successfully in this dynamic, competitive global environment of the Financial Services Industry.

Thank you, Mr. Speaker.

FREEDOM OF INFORMATION 2019 ANNUAL STATISTICS REPORT

The Speaker: Minister of Financial Services.

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

I rise to lay on the Table of this honourable House the Freedom of Information 2019 Annual Statistics Report.

The Speaker: So ordered.

Is the Minister speaking thereto?

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

MENTAL HEALTH COMMISSION CAYMAN ISLANDS – THE MENTAL HEALTH COMMISSION ANNUAL REPORT 2015

MENTAL HEALTH COMMISSION CAYMAN ISLANDS – THE MENTAL HEALTH COMMISSION ANNUAL REPORT 2017

MENTAL HEALTH COMMISSION CAYMAN ISLANDS – THE MENTAL HEALTH COMMISSION ANNUAL REPORT 2018

MENTAL HEALTH COMMISSION CAYMAN ISLANDS – THE MENTAL HEALTH COMMISSION ANNUAL REPORT 2019

The Speaker: 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 beg to lay on the Table of this honourable House the Mental Health Commission Annual Report for 2015, Mental Health Commission Annual Report for 2017, the Mental Health Commission Annual Report for 2018 and the Mental Health Commission Annual Report for 2019.

The Speaker: So ordered.

Is the Honourable Minister speaking thereto?

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

Mr. Speaker, in accordance with section 8(a) of the Mental Health Commission Law, 2013, I am pleased today to Table in this honourable House the Annual Report for the Mental Health Commission for the calendar year 2019; thereto I speak.

The Mental Health Commission was established in January 2014 under the Mental Health Commission Law, 2013. Members of the Mental Health Commission who served in 2019 are as follows:

- Dr. Marc Lockhart – Chairman
- Cline Glidden, Jr. – Deputy Chair
- Hon. Alex Henderson, QC – Deputy Chair
- Sutton Burke – Member
- Nurse Dympna Carten – Member
- Fiona McDougall – Member
- Cheryl Myles – Member
- Jackie Neil – Member
- Dr. Enoka Richens – Member
- Janett Flynn – Secretary /Ministry's Liaison

The Members of the Mental Health Commission are stakeholders from various sectors representing legal, healthcare practitioners with training in mental health, and advocates or laypersons.

The functions of the Mental Health Commission are divided into three sections:

- Quasi-judicial: to hear and determine appeals under various sections of the law and conduct reviews where a patient has been detained and released under an emergency detention order three or more times in 30 days.
- Recommendations to the Health Practice Commission and Councils: This includes submitting an annual report to the Minister with responsibility for Health, reviewing and advising on scopes of practice and codes of ethics for practitioners; providing policy advice to the relevant registering Councils; and advising the

Health Practice Commission regarding mental health facilities, medical research, and clinical trials in mental health.

- General Functions include the following:
  - obtain and compile statistics on mental health;
  - oversee and deliver mental health training for prison officers, constables and any other persons who may, in the performance of their functions, be expected to deal with mental health patients;
  - approve a list of overseas mental health facilities;
  - research and establish protocols and guidelines for mental health advocacy and approve persons to act as advocates;
  - establish and maintain a programme which provides information to the general public concerning mental illness and co-occurring disorders and related conditions;
  - review the progress of patients transferred overseas;
  - review the progress of remand prisoners deemed unfit to plead and submit it to the Chief Officer every 6 months;
  - judicial administration; and
  - give policy advice to the Minister responsible on any aspect of the local mental health system.

Mr. Speaker, I will now speak to the contents of the report.

Overview of the Mental Health System

Mental health services are delivered through the Health Services Authority (HSA), local private facilities, and mental healthcare facilities located overseas.

- The Psychiatry and Behavioural Health Unit, formerly Mental Health Unit at the HSA, is an eight bed inpatient unit that was designed as an adult facility for acute care of patients suffering from serious mental illness.
- Caribbean Haven, a government facility that provides treatment for patients suffering from alcohol and substance abuse.
- Her Majesty's Cayman Islands Prison Service also accommodates persons suffering from a mental illness. Although not ideal, there are mental health patients who have committed crimes and will require housing and prison facilities.

There is no inpatient facility for children and adolescents but if necessary they are admitted to the Psychiatry and Behavioural Health Unit where they are treated.

As stated in a previous report of the Mental Health Commission there is an adequate number of mental health practitioners, psychiatrists, psychologists, mental health nurses, counsellors and therapists employed in the public and the private sectors. Although the distribution of human resources among the three Islands is disproportionate, in addition to the two community psychiatric nurses on Grand Cayman, there is a full time community psychiatric nurse for the Sister Islands employed by the HSA and based at the Faith Hospital. We are committed to improving our outpatient services so that the care that is needed is accessible in a timely manner to all.

Mr. Speaker, as you may be aware in July 2017 the Ministry of Health on behalf of the Cayman Islands Government signed a contract with the Montgomery Sisam Architects Inc., a Toronto-based company, to conduct design and construction costs consultancy services for the building of a long-term residential mental health facility. I am pleased to inform you here today that in October 2019 the Cayman Islands Government broke ground on the construction of the long-term residential mental health facility which is expected to be completed in the third quarter of 2021.

The facility will serve residents who have a chronic mental illness to be cared for holistically in a safe and secure environment using a therapeutic approach with the prime objective to integrate them back into community where possible. This facility is not for acute care of the mentally ill. Members of this honourable House should take note that while the facility will require ongoing financing from the Government it will be a part of a continuum of mental health care services available to residents thereby reducing some of the burden on the inpatient unit at the hospital designed for acute care.

In addition, one of the key objectives of the facility is the repatriation of Caymanian mental health patients currently at overseas facilities; many of whom are incurring costs to the Cayman Islands Government, while being separated from their family and friends. We also want to make sure that our patients sent overseas receive the care required so that they can be successfully integrated back into society and become productive citizens. This may not happen for every patient but we know there are some who will respond provided the right environment and programmes are in place.

Mr. Speaker, training on the mental health legislation and increasing mental health awareness among our community continues to be a focus of the Commission. Last year the Mental Health Commission conducted two sessions for members of the RCIPS cohort of new recruits. Approximately 50 new recruits received training on mental health legislation and crisis intervention management techniques. The training conducted by the Commission provides a platform for feedback and dialogue on how to address stigma, public education, de-escalation, and identifying some challenges and possible solutions surrounding mental health.

It is a requirement under the Mental Health Law, 2013 for all the detention forms to be sent to the secretary of the Mental Health Commission for storage and filing. For the year 2019, there were 57 *[sic]* patients admitted for various types and degrees of mental illness; an increase from 2018. The number of detention forms received was 118; an increase of 5 over the previous year. For the same period last year the greatest percentage increase in the forms received was the Request for an Emergency Detention Order by a Constable, up from 4 in 2018 to 12 in 2019. This form was completed by members of the RCIPS whenever a person was taken into protective custody to the Accident and Emergency Unit at the Cayman Islands Hospital where they are assessed. If they require hospitalisation, an Emergency Detention Order lasting up to 72 hours is issued. With the increased use of Request for an Emergency Detention Order by a Constable, it is fair to say that the RCIPS is becoming more aware of their role under the mental health legislation and by extension in the community.

Until the long-term residential mental health facility is completed, the unit at the Health Services Authority which is meant for acute mentally ill persons, will continue to be occupied by the chronically mentally ill patients. I can only say that based on the utilisation of the detention forms, this suggests that there is an increased awareness and understanding of the mental health legislation by the general public, families, healthcare practitioners, and those persons who have powers under the law. However, I cannot stress enough the importance of building the long-term residential mental health facility where the chronically mentally ill patients are more likely to benefit, rather than having them in the unit at the hospital which is meant for the acutely ill.

During this period, 2019, one request for an appeal was received by the Commission, to not be left out in the annual observation of World Mental Health Day, designated for the 10th of October each year. The theme for 2019 was "Mental Health Promotion and Suicide Prevention". A number of activities were organised by the staff at the Psychiatry and Behavioural Health Unit at the HSA in collaboration with the Mental Health Commission, including a symposium to discuss mental health implications of domestic violence. The event took place at the Harquail Theatre and the play *Downside Up* written by Dr. Frank McField was presented followed by a panel discussion with mental health professionals and community stakeholders.

As required under the Mental Health Commission Law, one of the functions of the Commission is to obtain and compile statistics on mental illness, in order to report on the needs of the Islands' mental health system. For the year 2019, eight facilities submitted data collection forms; the highlights are as follows:

- 90 per cent of eight facilities that responded receive health insurance for mental illness. However, what is unknown is whether the coverage is adequate for the treatment provided.
- A large percentage of clients are between 25 years old and 64 years old.
- More females than males are clients.
- Most of the clients reside in the districts of George Town and West Bay.
- The average number of visits encountered per quarter for outpatient services was 8,786.
- The average number of patients admitted with a primary or secondary diagnosis of mental health on a quarterly basis is 110 with more females than males being admitted. The average length of hospital stay was 10 days.
- The counsellor or therapist category makes up a large number of mental health employees employed by the facilities.
- The top three diagnoses were grouped under: 'other', anxiety and depression; where 'other' includes Attention Deficit Hyperactive Disorder (ADHD) or Autism.

Going forward, information will be collected quarterly and the findings reported to the Cayman Islands House of Parliament annually. I am pleased to report that the Commission collaborated with various agencies during 2019 to share information, raise awareness and to educate the community. Members met with the following persons and agencies: the Superintendent of Health Insurance, the Alex Panton Foundation, Children and Youth Services (CAYS), the coaching industry, Cayman Islands Law Reform Commission, LOUD Silent Voices, the Commissioner of Police, the Foreign and Commonwealth Office (FCO) Project on Mental Health Services in the Prisons, participant in the Pan American Health Organisation (PAHO) Regional Roster for Mental Health in Disasters.

These meetings in partnership helped advance the work of the Commission and provide assistance for the unit at the HSA through a common understanding between stakeholders and the public.

Mr. Speaker, as you can imagine with once monthly meetings of the Commission it has been a really busy year for the members who are all employed full time in both public and private sectors. This year represented six years since the establishment of the Commission. As I have stated before members of the Commission give of their time freely and I would like to take this opportunity to thank them for their time, effort and passion for the work that they do.

In order to mitigate many of the problems in our society that we currently face, I believe we must facilitate early recognition and treatment of common mental illnesses by enhancing access to mental health care through an integrated approach. The Commission will continue to educate, inform and empower those individuals who require assistance. I am proud to say we

have a mental health commission that is committed, that has been working diligently since its formation and continues to advocate and promote mental health well-being for all the community.

In closing, I would like to thank the Ministry staff; again, the members of the Mental Health Commission for their hard work, dedication and commitment to a subject that affects all of us. It is the vision of the Cayman Islands Government for optimal mental well-being for all.

I thank you, Mr. Speaker. God bless.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS CAYMAN ISLANDS – ANNUAL REPORT 2019

The Speaker: Honourable Attorney General.

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

I beg leave of this House to lay on the Table the Report of the Office of the Director of Public Prosecutions for the year 2019.

The Speaker: So ordered.

Is the Attorney General speaking thereto?

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, no, thank you.

The report itself is quite comprehensive and self-explanatory and I would commend it to Honourable Members of this House and the general public. Thank you.

FREEDOM OF INFORMATION LAW (2020 REVISION) – FREEDOM OF INFORMATION (GENERAL) (AMENDMENT) REGULATIONS, 2020

The Speaker: Honourable Attorney General.

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

I seek the leave of this House to lay on the Table the Freedom of Information (General) (Amendment) Regulations, 2020.

The Speaker: So ordered.

Is the Honourable Attorney General speaking thereto?

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, there is an accompanying motion that goes along with those regulations and at that stage I will speak to the content of the Regulations.

IMMIGRATION (TRANSITION) (GRANT OF THE RIGHT TO BE CAYMANIAN) ORDER, 2020

IMMIGRATION (GRANT OF THE RIGHT TO BE CAYMANIAN) (NO. 2) ORDER, 2020

IMMIGRATION (TRANSITION) (GRANT OF THE RIGHT TO BE CAYMANIAN) (NO. 3) ORDER, 2020

IMMIGRATION (TRANSITION) (GRANT OF THE RIGHT TO BE CAYMANIAN) (NO. 4) ORDER, 2020

The Speaker: Honourable Premier.

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

I beg to lay on the Table of this honourable House four Orders, the Immigration (Transition) (Grant of the Right to be Caymanian) Order, 2020. These are orders made by the Cabinet.

This Order confers on Mr. Kirk Anthony Reid Williamson the right to be Caymanian.

[Inaudible]

The Speaker: [You're] laying them separately or together?

The Premier, Hon. Alden McLaughlin: Separately.

Given the importance of these matters I think it is better that I take them individually.

The Speaker: So ordered.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I also beg to lay on the Table of this honourable House the Immigration (Grant of the Right to be Caymanian) (No. 2) Order, 2020, which confers on Ms. Khalesiah Carlene Barboram the right to be Caymanian.

The Speaker: So ordered.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I also beg to lay on the Table of this honourable House the Immigration (Transition) (Grant of the Right to be Caymanian) (No. 3) Order, 2020, which confers on Mr. Glenville Alanzo Lewis the right to be Caymanian.

The Speaker: So ordered.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I also beg to lay on the Table of this honourable House the Immigration (Transition) (Grant of the Right to be Caymanian) (No. 4) Order, 2020, which confers on Mr. Andre Alpha Mon Desir the right to be Caymanian.

The Speaker: So ordered.

Is the Premier speaking at this time?

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the procedure requires that those Orders be laid on the Table of this honourable House. There are Government

Motions which will seek a resolution of this House, essentially ratifying those decisions of the Cabinet in accordance with the relevant provision in the Immigration (Transition) Act, 2018.

The Speaker: Thank you.

The Premier, Hon. Alden McLaughlin: Then, Mr. Speaker, when I come to move those Motions I will then speak at some length to each of the Orders.

The Speaker: Thank you.

[Pause]

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: Honourable Premier.

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

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

I beg to move the suspension of Standing Orders 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 Orders 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 Orders 23(7) and (8) suspended.

QUESTION NO. 1
MEETING THE 70 PER CENT RENEWABLE ENERGY TARGET BY 2037 AS STATED IN THE NATIONAL ENERGY POLICY

The Speaker: The Honourable Deputy Leader of the Opposition, Member for Newlands; Question No. 1.

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

I rise to as ask the following question to the Honourable Minister of Commerce, Planning and Infrastructure which reads as follows: Can the Honourable Minister indicate if the Cayman Islands are on target to meet the 70 per cent renewable energy in our energy mix by 2037 as stated in the National Energy Policy?

The Speaker: Honourable Minister of Commerce.

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

I thank the Member for the question. The answer: A consultation document was issued by The Utility Regulation and Competition Office (OfReg) for a Renewable Energy Auction Scheme (REAS). OfReg plans to launch a scheme in 2021-2022 which will follow the Integrated Resource Plan (IRP) roadmap, for adding renewables to the grid. OfReg has also approved the battery energy storage system for CUC which will allow approximately 12 megawatts of capacity to be added as Distributed Energy Resources (DER). In other words, it would provide more capacity to extend the CORE (Consumer Owned Renewable Energy) and the DER programmes. This would bring the total renewable energy capacity to 29 megawatts and close to the 2025 projections for that energy resource.

In addition to this, an application for a utility scale solar farm was recently submitted to OfReg for consideration, and barring any unforeseen circumstances OfReg expects to be at approximately 25 to 30 per cent renewable energy by 2027 and remain on track to achieve the 70 per cent target by 2037.

The Speaker: The Honourable Leader of the Opposition.

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

I wonder if the Minister can tell us if this battery storage of 12 megawatts of capacity that is an addition to the total renewable energy capacity of 25 megawatts is installed or net capacity.

The Speaker: Honourable Minister.

Hon. Joseph X. Hew: Mr. Speaker, I unfortunately do not have that information but I will get it for the Member.

The Speaker: The Honourable Leader of the Opposition.

SUPPLEMENTARIES

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

I wonder if the Minister can tell us, if that 70 per cent target for 2037 which I have always had my concerns about, is installed or net capacity?

The Speaker: Honourable Minister.

Hon. Joseph X. Hew: I can confirm that in just a few minutes if the Member will allow me some time.

[Long Pause]

Hon. Joseph X. Hew: Mr. Speaker, I am just awaiting the response on the battery, but I am being reliably informed that the 70 per cent required under the National Energy Policy will be on the net not the capacity.

The Speaker: The Honourable Leader of the Opposition.

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

Having heard that response to that supplementary, I wonder if the Minister can tell us if that is based on projected demand and installed capacity by the year 2037.

The Speaker: Honourable Minister.

Hon. Joseph X. Hew: Mr. Speaker, I don't know if the Member wants me to get these answers and provide him with detailed answers later on or in writing but it will take me a few minutes to get this information.

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

The Speaker: Leader of the Opposition.

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

I would prefer that it be elucidated here on the Floor because there is more than I who is interested in these things. There are a number of questions the substantive answer raises now such as: the 12 megawatts, will it be a reduction on installed capacity of fossil fuel generation? Those are all questions that are absolutely relevant that need to be answered in this country. We cannot have the fluff language and there is no explanation because the energy policy, when I read it, I was just as confused as a black man at a Ku Klux Klan rally and so there needs to be some answers.

Hon. Joseph X. Hew: Mr. Speaker.

The Speaker: Minister.

Hon. Joseph X. Hew: I do not know if we are minded for the lunch break and then I can have the team here to answer the questions after the lunch break or if we can defer it to then?

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I am comfortable with that.

The Speaker: As long as it is worked out between both of you.

[Inaudible interjection]

The Speaker: I said as long as it is worked out between both of you then we will take the balance of the answer after lunch.

That is what you are agreeing on?

[Inaudible interjection]

The Speaker: I thought that is what you were saying?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, whatever you decide, sir. I shall bow to your rulings.

The Speaker: Okay, to keep it flowing we will take the lunch break at this time.

We will suspend until 2.15.

Proceedings suspended at 12.39 p.m.

Proceedings resumed at 2.29 p.m.

The Speaker: Please be seated.

Our sitting has resumed.

[Pause]

The Speaker: When we took the suspension, we were dealing with questions.

Honourable Minister, can you just give the Leader of the Opposition a chance to get into the Chamber?

[Pause]

The Speaker: Minister of Commerce.

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

The Honourable Member asked the question about the 12 megawatt storage battery at CUC whether that was— I think he used the terms— net or gross. I guess it's best, in layman's terms, to say that it is the net and not the capacity. It is a 20 megawatt battery and that will provide us with 12 megawatts of distributed energy.

On the question of the National Energy Policy and the target of 70 per cent, I am going to quote the description of the target for the renewable energies generation from the Integrated Resources Plan report. It reads that: **"the target is 70% of total electricity generation coming from renewable resources by 2037."** In the strategic framework of the National Energy Policy, the combination of renewables under that chart is wind power, solar PV [Photovoltaic], waste energy and solar PV utility scale and solar PV distributed.

At the end of the day, 70 per cent of whatever electricity we are consuming will need to come from renewables.

The Speaker: Honourable Leader of the Opposition.

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

Just to ask the Member, of that 70 per cent, and by 2037, what kind of projections were done on installed capacity for… What's this, 2020? That is 17 years away.

The Speaker: Honourable Minister.

[Long pause]

Hon. Joseph X. Hew: Sorry, Mr. Speaker.

The projected demand on the National Energy Policy is about 650,000 megawatt-hours.

The Speaker: The Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: I wonder if he can repeat that.

That was 650 million megawatt-hours?

Hon. Joseph X. Hew: 650,000 megawatt-hours.

The Speaker: Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: What a growth.

Mr. Speaker, I wonder if for the sake of clarity, if the Minister knows what this country is burning right now?

[Long pause]

Hon. Joseph X. Hew: One moment, Mr. Speaker.

[Pause]

The Speaker: Honourable Minister.

Honourable Minister, if you are having difficulty with the question, perhaps it is something that could be done in writing.

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

Yes. I just wanted to ensure that we had the most recent and most factual figures which we are having some difficulty getting at the moment. If the Member is happy we can produce that in writing.

The Speaker: Leader of the Opposition.

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

I am comfortable with that because the Minister seems to be having some difficulty collating those numbers but I should point out to him that in the Compendium of Statistics 2019 we had 668,000 megawatt-hours and if, by 2037 it is 650,000 megawatt-hours we would have a contraction of our electrification.

The Speaker: Honourable Minister.

Hon. Joseph X. Hew: Mr. Speaker, thank you, and I must apologise to the Member because I was reading the chart on the renewables and I do have here the forecast potential sources of electricity generation in 2037 as forecasted in 2015 is a total of 730,423 megawatt-hours.

They are forecasting that 216,616 megawatt-hours would come from diesel generation, 24,528 megawatt-hours from wind power, 450,292 from solar PV utility scale and 21,900 waste-to-energy—which we just signed a contract on that facility recently—and the solar PV distributed would be 17,086 megawatt-hours. There is—

[Inaudible interjection]

Hon. Joseph X. Hew: Next year we will have the 5 year review of this policy and those numbers will be reviewed and updated at that point.

The Speaker: I think we should move on to the next question.

QUESTION NO. 2
UPDATE ON IMPLEMENTATION OF ANTI-BULLYING LEGISLATION

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

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

I rise to ask question No. 2 on the Order Paper to the Honourable Attorney General which reads as follows: Can the Honourable Attorney General provide an update on the planned implementation of anti-bullying legislation in the Cayman Islands?

The Speaker: The Honourable Attorney General.

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

The answer: on the 10th of November, 2020 the Law Reform Commission, in accordance with section 12 of the Law Reform Commission Law (2019 Revision), submitted for my attention its final report entitled, *Bullying: Legislation, Policy or Both?*, which includes a draft Education (Amendment) Bill, 2020 and a draft Anti-Bullying (Schools) Regulations, 2020.

The final report contains recommendations that speak to the introduction of a legislative framework to address bullying in schools and it is supported by:

(a) Proposed amendments to the Education Law, 2016, to mandate that all schools formulate an Anti-Bullying Policy and;
(b) The introduction of proposed regulations that focus on:
    i. Defining the bullying concept;
    ii. The formulation of anti-bullying policies; and
    iii. Reporting investigative and enforcement procedures.

As this subject falls under the auspices of the Ministry of Education, Youth, Sports, Agriculture and Lands, I delivered a copy of the final report to the Acting Chief Officer of the Ministry for attention.

In terms of process, the Ministry will review and consider the recommendations contained in the final report and then determine whether it wishes to place the final report before Cabinet for consideration. If the final report is presented to Cabinet it is at that stage that Cabinet would determine whether to accept the recommendations and approve instructions leading towards the enactment, promulgation and implementation of the legislation.

I thank you, Mr. Speaker.

SUPPLEMENTARIES

The Speaker: The Member for Newlands.

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

Well, based on that response from the Honourable Attorney General obviously further questions should probably go towards the Ministry and government policy. However, I just had one follow up which was, obviously the focus has been on schools and there is no consideration of the wider concept of bullying in the community other than within the school environment. I was wondering what led to that decision to only focus on the education institutions?

[Pause]

The Speaker: Honourable Attorney General.

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

I am advised that when the referral was made the intention was to look at bullying in the school and bullying in the work place but the aspect of it dealing with school took on a little bit more urgency so that report was prepared with the main focus on the school environment but the other aspect is still to be considered.

The Speaker: The Member for Newlands.

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

I was wondering if the Honourable Attorney General could let us know whether or not the report now deals with cyberbullying as well; social media, that sort of issue.

[Pause]

The Speaker: Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, yes it does.

It deals with cyberbullying, defamation and free speech and aspects of it.

The Speaker: The Member for Newlands.

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

I will only request at this point then— and I know this is not the Attorney General's reasonability but more from a government policy perspective— if the Government would consider now putting some priority on getting this legislation through. More and more I am getting reports, and I know the Honourable Attorney General is aware of some recent serious incidents involving bullying.

What I would suggest, as a way forward, is that all stakeholders now be invited to participate in bringing this legislation forward. There are many groups out there that are involved, that have been formed primarily because of this that would love to have the ear of the Ministers and the Ministries just so that they can have their input as well. I know that some participated in the consultation but to move it forward and to give a sense of the urgency, if the Government would consider doing that I would be happy to facilitate as well.

The Speaker: Honourable Attorney General.

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

I certainly will discuss with the Honourable Minister and her team the observation of the Honourable Member but, as I said, in fairness, the Ministry got the report less than three weeks ago and understandably wouldn't have had a chance to consider it as yet; but I am sure in the fullness of time we will hear more about the direction of travel that the Government intends to take as it relates to this particular initiative.

QUESTION NO. 3
NUMBER OF COMPLAINTS REGARDING PENSION DEDUCTIONS NOT BEING MADE TO EMPLOYEES' PENSION PLAN; COMPLAINTS RECEIVED DURING THE SIX MONTH WITHDRAWAL PERIOD; AND STATUS OF INVESTIGATIONS OF EMPLOYERS FOR CRIMINAL PROSECUTION AS A RESULT OF THE COMPLAINTS

The Speaker: The Honourable Leader of the Opposition, the Member for East End; Question No. 3.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, Question No. 3, standing in my name, to the Premier, and the question reads: Can the Honourable Minister say:

(a) How many complaints has the Department of Pensions received from employees regarding pension deductions not being made to their pension plan?
(b) How many complaints were received during the six months withdrawal period?
(c) How many employers are being investigated for criminal prosecution as a result of the complaints, and what is the status of those investigations?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the answer: Presently the Department of Labour and Pensions has 225 active pension cases which are derived from employee complaints.

During the six months emergency pension withdrawal period, 1st May to 31st October 2020, a total of 27 new cases were reported to the department due to the receipt of employee complaints. Those cases are presently under investigation by senior officers.

Currently, the department has 15 pension cases in Summary Court and is preparing charges against a further two employers with several others in preparatory stages. These matters remain ongoing. It should also be noted that in 2020 the Department concluded three pensions court cases which resulted in the collection of the pension contribution for the employees of about CI$325,000.

The Speaker: The Leader of the Opposition.

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

Can the Minister say if those three that were concluded in 2020 were part of those 225 and how long have those 225 been on the records?

[Pause]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am trying to get that detail—

The Speaker: Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am trying to get that detail for the Leader so some consultation is going on there. I do not have the answer readily at hand. I don't know if the Leader or any other Member has any other supplementary questions that maybe I can respond to in the mean time?

SUPPLEMENTARIES

The Speaker: There are several indications of supplementary questions.

The Member for George Town Central.

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

Can the Minister say if a case has been reported but resolved with respect to the pension contributions that were not paid and subsequently paid after the ending period of the emergency pension withdrawal, does the pension department still allow those Caymanians to withdraw the amount allotted within the law that we allowed for the COVID-19 relief?

The Speaker: The Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I do not think that there would be any discretion available. The law that we passed in this House which allowed the emergency withdrawal is quite specific as to the period; unless there was some amendment to that I do not believe that the Pension Department would have any discretion in that regard.

The Speaker: You have a supplement.

The Member for George Town Central.

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

Can the Minister say if that is something this administration would be willing to suggest with respect to amendment, because there are some Caymanians who have been displaced as a result even though the cases have been rectified now with the payments made. However, due to the deadline being passed they were disenfranchised from the opportunity to withdraw those moneys and are now still in debt and could use that money that normally would have been there for them to withdraw. Is that something the Minister or his Government would be willing to consider before the ending of this administration?

The Speaker: The Honourable Premier.

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

Certainly.

The Speaker: The Member for Bodden Town West.

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

Through you to the Honourable Premier: with regards to question (b), how many complaints were received during the 6 months withdrawal period, can the Honourable Premier say if any of those complaints related to the actual pension providers?

The Speaker: Honourable Premier.

[Pause]

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am afraid I can't answer that question, I don't have anyone here who has that information.

I am as unhappy about this as are Members on the other side.

The Speaker: The Member for Bodden Town West.

Mr. Christopher S. Saunders: Mr. Speaker, I completely feel bad for the Premier.

I will just take the answer in writing if available. Thanks.

The Speaker: Do you agree, Honourable Premier?

The Premier, Hon. Alden McLaughlin: Yes, Mr. Speaker, we will ensure that happens.

The Speaker: On the other matter can that be done in writing?

[Inaudible interjection]

The Speaker: Yes that supplementary you were discussing with the—

[Inaudible interjection]

[Laughter]

The Speaker: Honourable Leader of the Opposition.

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

I would like to ask the Premier— and I am sure the Premier will agree with me that taking moneys from people's salaries and not submitting it to the provider in the name of that employee is a criminal offence and it amounts to theft, and dishonesty is defined under that. I wonder if you will agree with me. What about those— in his response to a supplementary from the Member for George Town— who have now made good on the payment whether or not they would be able to withdraw? I wonder what happens to those who have only made partial payment subsequent to the withdrawal period at the end of October. Will they be prosecuted or will they be allowed to continue to contribute to that backlog?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the Department receives complaints, carries out inspections, and does investigations. If they believe that there is a matter that should be prosecuted they prepare a file and the file goes to the DPP [Director of Public Prosecutions] who makes the determination as to whether or not there should a prosecution.

The Speaker: The Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I hear the Premier but there has to be some policy directive from within the Department for a time period for those monies to be paid into the provider. Theoretically the law says, that payment should be made within a year. What is taking so long for these cases to come to some conclusion, or be sent over to the DPP for prosecution when there has to be a timeframe as to when that money must be paid and the law requires for it to be paid within one year; even if there is an agreement for that payment to be made. What is the policy within the Department when they get these complaints and they start investigating? Do they allow it to go on forever trying to convince the person to contribute? That is my question. What do we do? We cannot wait forever after someone has stolen people's money. You can't wait forever to recoup that money for the ordinary man.

The case in point is that we got into a pandemic and the Government tried everything in its power to facilitate our people not falling through the cracks, and here we are with people who took the money out of the contribution *[sic]* as a contribution to their pension and not put it in the pension plan. That is a criminal offence. I want to know what the Government is doing about a time frame for prosecution of these people.

The Speaker: Honourable Premier?

The Premier, Hon. Alden McLaughlin: Mr. Speaker, that wasn't a question, it was a speech.

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: No that was a question, many questions.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I invite the Leader of the Opposition to re-read the answer.

That is what the Government is doing about the matter. There are 27 new cases since the emergency pension withdrawal which the Member spoke about. These cases are currently under investigation by the senior officers. The Department has 15 cases it is prosecuting in Summary Court and is preparing charges against a further two with several others in the preparatory stages. That is what the Government is doing in relation to the matter. Whether matters are prosecuted

becomes a decision of the DPP, once the investigations are done and the files are prepared and passed to the DPP.

The Speaker: Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: The Premier may think that I do not have a good grasp on numbers but he knows that one of the things I am very good with is two plus two.

Mr. Speaker, 27 plus 3 is 30 and 15 is 45. Yet we have 225 cases with complaints, I want to know how long these things are taking and what is the policy with regard to those that are proven to be so, and they are given the opportunity to repay it, what is that timeframe? That is my question.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I do not know the answer to that.

As soon as the Department believes there is a case, a file is prepared and the matter is passed to the DPP and the matter is prosecuted. I don't know how… I mean the 225, they were not all filed the same day so those are the ones that are currently active. I can't say based on what information I have how many of them relate to complaints made last week, or last month, or six month ago.

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

The Premier, Hon. Alden McLaughlin: I can only say with the information I have, that 27 new cases were reported to the Department during the emergency pension withdrawal period.

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

The Speaker: Leader of the Opposition.

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

I added that up and that is 45 cases being investigated or concluded or preparing charges to be sent to the DPP. Now 45 from 225 is 180 left. I want to know where they are and how long it takes to conclude these cases. That's simple.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Maybe it is for the Leader who, maybe he has information I do not have but I can only repeat what I have answered already.

Those matters, as far as I am aware and have been advised are still currently under investigation. They are not at the stage where a ruling can be made as to whether or not to proceed with a prosecution.

The Speaker: The Honourable Leader of the Opposition.

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

The Speaker: This is the last supplementary and then we have one more supplementary, the Member for North Side, after the Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: I am sure the Member for North Side will extend that into plenty.

Mr. Speaker, my question is: I understand the Premier is saying that he does not have the information available but he has the staff from the Department here. Of the 180 how many of those have been given opportunity to make good on those plans and how long has it been outstanding for each one. That is simple. I cannot make it any simpler. What is the policy in the Department, in the Government, once they have determined the person is making good, how long does it take to make up the people they stole from, and they do not get prosecuted and go to prison?

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

The Speaker: Can you add any more—

The Premier, Hon. Alden McLaughlin: —I don't have that information.

The Speaker: —Honourable Premier.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: I know.

They do not have the information. That is what I said earlier. I do not have that level of detail available to me.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Based on this question, it is unreasonable to expect that we would have a list of 225 cases, when each complaint was filed and what is the disposition of each and every one of them.

The Speaker: The Member for North Side and I will permit one more after that—

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

The Speaker: I have been pressed to do that.

The Member for North Side.

[Inaudible interjection]

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

I wonder if the Honourable Premier could say of the $325,000 that was collected during 2020, this would have involved some employees not having any pension paid for them by their employers who were therefore unable to access the pension claims when the Government changed the law. Will those person so affected, now that the claim date has expired, be allowed to claim now that money has been put in their pension plan?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, this is exactly the question that was asked by the Member for George Town Central.

The Speaker: I was just going to ask if this wasn't already answered.

Mr. D. Ezzard Miller: Okay, I'm sorry.

The Premier, Hon. Alden McLaughlin: [To] which I said that as far as I see, the amended legislation does not invest the Department with any discretion in this regard. The question from the Member for George Town Central was, would the Government consider looking at that to determine whether it is possible to allow persons, who by no fault of their own were unable to claim, to be able to do so.

I said, certainly the Government will consider that.

Mr. D. Ezzard Miller: Thank you.

The Speaker: The Member for Bodden Town West.

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

Just to wrap up that last issue that both the Member for George Town Central and North Side raised. I think somewhere in the law the Director may have some discretion but that is something that they can probably look at with the Attorney General.

However, with regard to my question, when providing the written answers would it be possible for the Government to also provide an update of all the withdrawals that we had in the 6-month period. I know they did something previously that was actually quite informative and it would be nice if the Government would at least consider releasing the total amounts, et cetera, that were withdrawn.

Thank you.

[Inaudible interjection]

Mr. Christopher S. Saunders: Sorry, no. Just an update on the previous press release you had where you gave out the withdrawals by month. Thanks.

The Speaker: Honourable Premier.

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

Just to make it clear that we are more than happy and indeed intended in any event to provide information as to the total amount withdrawn collectively during this period, but we are not able to give more information than that. There will be no names of the persons who have withdrawn. There will be no reference to any pension providers. There will be no reference to employers. I just want to make clear the nature of the undertaking I am making on behalf of the Government to provide just the quantity of money that was actually withdrawn during this period.

The Speaker: Member for Bodden Town West.

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

Just to make it clear, we weren't looking for that because I don't want anyone to see how much I withdrew either.

[Laughter]

[Inaudible interjection]

Mr. Christopher S. Saunders: No, sorry. Well, that is why I said update the press release that you previously did.

Through you, Mr. Speaker: can you just ask the Premier if he can confirm if the people who withdrew funds during the pension time, if that list was provided to Needs Assessment Unit (NAU) or other government departments that provide assistance during that period of time.

The Speaker: Honourable Premier.

That was the last supplementary.

The Premier, Hon. Alden McLaughlin: Yes, Mr. Speaker. That was the case.

In fact, the Member might recollect the amending legislation, placed an onus and a responsibility on the Department of Pensions to provide that list to NAU so that we didn't wind up with people getting both the benefit of the pension and the assistance from NAU.

QUESTION NO. 4
TOTAL AMOUNT OF OUTSTANDING PERMANENT RESIDENCY ANNUAL FEES THAT CAME DUE BETWEEN 1ST NOVEMBER 2019 AND 31ST OCTOBER 2020

The Speaker: The Member for West Bay North.

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

I rise to ask the question in my name. Can the Honourable Minister say whether there are any outstanding permanent residency annual fees that came due between 1st November 2019 and 31st October 2020? If so, what is the total amount of the unpaid fees?

The Premier, Hon. Alden McLaughlin: Mr. Speaker, that answer: Between the 1st November 2019 and the 31st October 2020, 640 persons were in arrears and owed a total of $5,147,335.52 to the Cayman Islands Government in permanent residency fees.

SUPPLEMENTARIES

The Speaker: Member for West Bay North.

Mr. Bernie A. Bush: Thank you, Mr. Speaker.

Through you Mr. Speaker, to the Premier: We heard evidence given here last month at PAC where a Chief Officer said that he was aware of public funds being used to pay for permanent residency fees for public servants. It came out because someone at the Turtle Centre took our money and paid for the permanent residency for someone so they could get a job there, it seems. Can the Honourable Premier say whether the Government intends to continue with such a practice or is this a policy?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: That certainly was not, and is not, government policy.

Government funds are not to be used, and would be improperly used if they were used, to pay someone's permanent residency fees.

The Speaker: Honourable Members— before you rise— there is no need for Members on my left to say *'through you, Mr. Speaker'*. There is no need to take that time to do so. All you need to say is what the question says, *'Can the Honourable Minister say…Mr. Speaker'*.

The Member for West Bay North.

Mr. Bernie A. Bush: Thank you, Mr. Speaker.

My substantial question was framed around the 12-month period that ended 31st October 2020 because I thought it would give the Government reasonable time to have this answer prepared for this December Meeting of Parliament. I want to go now beyond that and ask that, after the 31st October 2020 is the Cabinet considering any Paper that would write this off? Some people on the street are saying that they are being told it is going to be written off, that is why they are in no rush to pay it and so forth. Is this being considered?

The Premier, Hon. Alden McLaughlin: What is being written off?

Mr. Bernie A. Bush: All of this money which is owed to us.

The Premier, Hon. Alden McLaughlin: The whole amount?

Mr. Bernie A. Bush: Yeah.

Thank you, sir.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the Government is not considering any such thing.

A report was provided to Government last month relating to permanent residency fees. It is not the first one we have had because we have been pressing the relevant agency to collect these fees or to take necessary steps in relation to the matter. Of the outstanding liabilities owed to the Government, Workforce Opportunities and Residency Cayman (WORC) conducted a review and determined that a total of $2,094,094.27 is collectable. That is, there are no known technicalities that would allow persons to argue otherwise. That leaves a total of approximately $3,053,241.25 which presents many barriers to collection including cases where the PR facility has been revoked or rescinded; the PR holder has left the jurisdiction indefinitely; the PR holder is now deceased or the fees have been generated following the grant of Caymanian status.

The Ministry will be seeking guidance from the Attorney General's Chambers to determine the feasibility of recovering owed fees by way of civil litigation. Additionally, as a targeted effort of enforcement, the Cayman Status and Permanent Residency Board (CSPRB) working in collaboration with the Compliance Unit of WORC has been actively addressing those persons identified as breaching the law in respect of their financial obligations. This has resulted in approximately 50 persons being contacted and requested to attend WORC to collect their— what I call the— 'minded to revoke' letters. What that means is that the board writes to individuals who are in breach or at least *prima facie* in breach. The letter says, *The board is minded to revoke your permanent residence on the basis that you have not paid the required fee.*' It gives them an opportunity to make a case as the law requires before a decision is taken to revoke their residence.

A total of approximately 87 persons have made payments during the period 31st August to 31st October this year with a total of approximately $506,111.25 collected. Hence, it is estimated that a total of $1,587,983.02 remains outstanding from that figure that has been identified as the collectable total. WORC's senior management team and the CSPRB are continuing to review their ongoing efforts to collect fees owed to the Government.

The Speaker: Member for West Bay North.

Mr. Bernie A. Bush: Thank you, sir. And they cannot get their status—

The Speaker: Please address the Chair, Member for West Bay North.

Mr. Bernie A. Bush: Sorry, Mr. Speaker. If they don't pay they cannot get their status, is that correct?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the board will not consider applications for Caymanian Status where it is known to the board that there are outstanding PR fees; neither will applications for naturalisation be allowed to proceed if there are outstanding fees.

The Speaker: The Member for Savannah.

Mr. Anthony S. Eden, Elected Member for Savannah: Mr. Speaker, how long will you wait to find out when these funds… They don't pay for their naturalisation, Cayman Status… Is there a limitation or are people just waiting to see if you might forget about it or something? It doesn't make sense. You pay or you go.

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

The Speaker: Premier.

The Premier, Hon. Alden McLaughlin: There are a number of measures that are possible to be taken in relation to outstanding fees.

If you don't pay you get a 'minded to revoke' letter on the basis that the board is minded to revoke your residence because you haven't paid the fees. There is also the possibility of civil litigation to recover it as a debt before the court, or, and this is usually the most effective one, you can't move on to get status or naturalisation if there are outstanding fees. Obviously, none of these are working entirely satisfactorily, hence the backlog that we have, but it is now a focus of WORC and the CSPRB, not only to deal with these outstanding fees, but to put in place systems which reduce significantly the amount of money that is owed to Government as a result of people obtaining permanent residence. The thing is, there are a number of categories of permanent residence but it is one category that seems to be a much bigger problem than the other. I can perhaps provide that for the benefit of the House.

There are six categories of permanent residence: there is Residency and Employment Rights Certificate that is given to the spouse of a Caymanian. Currently there are 75 persons who are outstanding but that only amounts to about $36,700 because that sum is small. There is PR with the Right to Work as a Dependant of a Permanent Resident. There are currently 125 persons who owe there, that is $723,365. The big category is PR with the Right to Work in their own right; 413 persons, $4,082,290.52. Then there is Permanent Residence with the Right to Work as a surviving spouse of a Caymanian, there are only two of those, which is $13,850. Then there is Permanent Residency with the Right to Work as varied based on circumstances. That is where a person has gotten PR on the basis that, for instance, they were a lawyer but because of changed circumstances they no longer work as a lawyer but they work as something else. There are 25 of those and that is $291,130 which brings us to the total of $5,147,335.52.

[Cross-talk]

The Speaker: The Member for George Town Central.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker. Can the Minister say whether or not persons have been granted status or naturalisation with outstanding fees owed for the PR.

[Inaudible interjection]

Mr. Kenneth V. Bryan: I am being told that answer was already clarified.

[Inaudible interjection]

Mr. Kenneth V. Bryan: If that is the case, it seems something went wrong somewhere, because we now are saying that persons would not be able to get status or their naturalisation because of outstanding fees but others have been able to do that.

I am not saying you don't fix the problem but how do we verify the fact or tell one person who eventually wants to become Caymanian who owes, *the other person got away with it but you can't*. That creates a bit of a—

The Speaker: I think that is called two wrongs don't make a right.

[Inaudible interjection]

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

The Speaker: I think the question, Honourable Member, has been answered.

[Inaudible interjection]

The Speaker: I thought the question was answered a while ago.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I didn't say that persons have been granted Caymanian status or naturalisation.

The Speaker: I see.

The Premier, Hon. Alden McLaughlin: The Member said, and I don't know whether he has examples of it or not, but I am saying that people's applications are not allowed to proceed for Caymanian status or for naturalisation if it is known to the board, or the Deputy Governor's Office that there are outstanding fees. I will never say that some can't slip through the crack because as long as there are human beings handling a process things happen, but as a general policy your application is not allowed to proceed if it is known that there are outstanding fees.

The Speaker: You have a follow up George Town Central?

Mr. Kenneth V. Bryan: Yes sir; I am more confused now then I was before.

Mr. Speaker, how I came to the assumption that was the case was based on the Premier's response about what was and wasn't collectable. Under the section of uncollectable he said, *persons who were granted status or naturalisation*. That must have assumed that they had [fees] outstanding, under the collectable section, but you can't collect them now because they already no longer need it, which is where I got the assumption from. Just for clarity.

My next question—

The Premier, Hon. Alden McLaughlin: Mr. Speaker, can I explain that?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: That is really where there is a dispute. What happens is, the processes sometimes take long and the person winds up getting Caymanian status, then a bill is generated again for their PR. In this interim period they say, *Well, I got Caymanian status I don't owe this money;* so there is a dispute.

We have actually recently changed the policy. I believe it is the regulation—

[Inaudible]

The Premier, Hon. Alden McLaughlin: —so we are able to prorate because some of the fees are very expensive.

Some of them can be as much as $50,000 per year, so if they got Caymanian status at a particular point they don't want to pay for the whole year because the fees are due every year. It is that sort of situation that the answer is referring to when I spoke earlier.

The Speaker: Member for George Town Central.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker and I thank the Premier for that clarification.

I have a better understanding now of where that little shaky middle ground could come up. It actually leads into my second supplementary which is recognising— as much as I, and I am quite sure other Members, want to hold persons accountable to paying for being here through Rights to Work or the PR— that there is a certain category that the Premier highlighted that may create a bit of a problem for any administration, which is, those who were married to Caymanians but those persons are deceased. Now those ones, in my humble opinion, are eventually going to be able to apply for status by way of—

[Inaudible interjection]

The Speaker: I was…

Mr. Kenneth V. Bryan: I withdraw the question, Mr. Speaker.

The Speaker: Okay.

I was only getting to you to say, ask the question.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, I just want to ask the Premier if the Government has considered tracking those who have outstanding PR fees versus those who drew down on their pension, because all of those were submitted to the Government. Has the Government considered if any of the people who drew down to their pension during the withdrawal period were included in the outstanding fees for PR?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: No, Mr. Speaker, that tracking was not done.

[Crosstalk]

The Speaker: Honourable Members, in asking supplementary questions your Chair has always been in agreement to allow a short preamble for your question, but you cannot make a speech longer than ordinarily for a question.

When I give you time, I ask you to appreciate it and not to think that I am cutting your time away because before long someone is going to rise to their feet and say, *Is this a speech or a question?*

The Member for North Side.

The Speaker: Thank you, Mr. Speaker.

Mr. D. Ezzard Miller: Can the Honourable Premier confirm that these outstanding fees are recurrent fees, because certainly, they have to pay the fee up front for the original application like you do with a work permit. If not, could I recommend that the Government consider the policy that when you make the application you must pay the PR fee before you get the grant?

[Pause]

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, yes these are all recurrent fees not the original fees.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: None.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

FIRST READING

CITATION OF ACTS OF PARLIAMENT BILL, 2020

The Speaker: The Bill has been read a first time and is set down for the Second Reading.

SECOND READING

CITATION OF ACTS OF PARLIAMENT BILL, 2020

The Speaker: The Honourable Attorney General.

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

I beg leave of the House to move the Second Reading of a Bill entitled the Citation of Acts of Parliament Bill, 2020. A Bill for a law to amend Laws with respect to the citation of Laws consequential to the amendment of the Constitution; and for incidental and connected purposes.

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

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

This is a very short bill. Following on from events of last Friday and even before that when this institution was rebranded or renamed or retitled as a Parliament pursuant to the 2020 Constitution Amendment Order, the Government considers it only fitting that the citation of legislation enacted in here should carry a nomenclature that is consonant with the label Parliament. Thus, we should have Acts that have been enacted by the Parliament.

Therefore, the primary object of this Bill is to bring about a change whereby all statutes passed by this Parliament, as of today, will be styled Acts instead of Laws. Accordingly, once the Bill is enacted we will discontinue the use of the nomenclature Laws when referring to legislation enacted here.

This act of switching from Laws to Acts would be consistent with what transpired in at least two other British Overseas Territories namely Gibraltar and Bermuda, both of which now have Parliament. As outlined in the objects and reasons of the Bill, Laws enacted before this change would eventually be cited as Acts and the subordinate legislation where the nomenclature is reflected would eventually be changed to reflect the new citation. That is the extent of the Bill and I certainly wish to commend it to this Parliament for the consideration of Honourable Members and for passage.

The Speaker: Does any other Member wish to speak?

The Deputy Leader of the Opposition, Member for Newlands.

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Clearly, as the Honourable Attorney General has said, this is a short bill and there is no reason why would object to this Bill getting passage through the House. Obviously it fits with what has been done recently in terms of—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: I didn't want to get too excited today.

[Laughter]

Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition: Clearly, it is fitting with what has changed recently with regard to our Constitution and the provisions therein.

The only thing I will add outside of stating our support on this side of the House, is that I think I would

recommend a similar exercise be done considering all of the recent amendments to the Constitution so that we capture whatever consequential changes are required to get the full effect of those changes. There may be some benefit to the country that we may have overlooked thus far, but going through this sort of clean up exercise would be good. That is just a suggestion.

Apart from that, I just rose to give the Official Opposition's position on this Bill. Thank you.

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

If not other Member wishes to speak— the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I could not let this Bill pass without my saying something about it given where we have come from and where we are currently.

This is, I think, all but one of the number of changes necessary to bring this institution, which is now called a Parliament, to the standard which I believe all of us believe the country deserves and indeed our maturity as a democracy deserves. I am grateful for the Honourable Attorney General for pointing this out to me and to the Cabinet and for his team of parliamentary drafts persons for putting it together so swiftly so that we could get it here for this Meeting.

In case Members are wondering why we have placed it on the Order Paper in this order to go through the First and Second Readings, then Committee, and Third Readings in the course of one day, it is because we have asked His Excellency to assent to the Bill swiftly over the course of tomorrow; so that all other pieces of legislation which are passed in this Meeting of the House will be known immediately, when they are published, as Acts instead of Laws.

Mr. Speaker, the one other outstanding piece of business which I am hopeful we can still get done before this House is dissolved on the 29th March next year, is a set of modern Standing Orders so that the next administration [could] come in equipped with a modern set of Standing Orders that govern the operation of this Parliament. I do not think we need to reinvent the wheel. I do not think it needs to be a massive undertaking. There are lots of good examples around and I certainly would not propose that we wander too far away from the model that we have now, but that we seek to modernise it and to improve upon the way it works.

I think it is important that we all recognise that the Standing Orders are not intended to be hurdles to the House getting business done, to the Members having opportunity to get there matters on and an opportunity to speak to them. The Standing Orders are there to ensure that there is proper order and fairness regardless of who is in Government and who is in the Opposition so that all representatives have equal and fair opportunity to represent their constituencies but more importantly to have their say on matters of national importance. I think that once we understand that those are the basic principles that should guide the development of the Standing Orders we should be able to get there fairly swiftly.

I think we have made some massive strides during the course of this term dealing with issues which, those of us who have been around for a while in this honourable House, have long lamented and long said we needed to get done. The constitutional changes are something of which all of us can be incredibly proud. I have said more than once, almost all of the 20 years I have been here, we have been working on some aspect of constitutional change. The Bill that we passed last Meeting, which was called the Legislative Assembly (Management) Bill, 2020 was something again that we have been talking about for most of those 20 years. I am overjoyed that we have managed to get that done. It comes into effect on 1st January and I think finally separates the Executive from the Legislature in a clean-break way so that the administration of this Parliament is no longer controlled in anyway by the Executive.

Mr. Speaker, if we can, between us all agree to get a set of modern Standing Orders in place I think that we would have done well and would have served the interest of this Parliament, this country and whoever comes to occupy these seats in the next administration and beyond very well.

With those few words I commend this Bill to all Members of the House and I thank the Deputy Leader of Opposition for indicating that the Opposition supports the Bill.

The Speaker: The Leader of the Opposition.

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

I believe that the Deputy Leader laid out the position of the Opposition in support of this citation. I am only left to say to the Premier that, likewise, in my life, the majority of my political career has been consumed with a number of things in this Parliament with which we have not had much success. They have not come to fruition and that makes me sad. In particular, the amendment of our Standing Orders. I believe I have been on every committee since 2003, so much so that your good self, the Attorney General, the former deputy Glidden, the Financial Secretary and I travelled all the way to Ottawa, Canada. That was during 2006/2007, and I can say that my library from which I will write my memoirs which shall be entitled, *Only in the Cayman Islands,* has much to do with paperwork on trying to modernise the Standing Orders.

Mr. Speaker, I know you and I have had much opposition to certain aspects of updating the Standing Orders when it came to electronic—

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: —equipment and I will never forget our former Member Kurt Tibbetts as well, we opposed bringing computers into Parliament and we had to concede eventually because there were more Members younger than us than there were old enough to support us; including the Premier who wouldn't support us.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: You have always been a progressive and so have I.

Be that as it may, I am here to tell the Premier that I am ready, I am willing, and we need to get it done, regardless of whether we fade into the sunset or not. I see these young, dare I say, Turks, MPs, in here now and they struggle with trying to understand exactly what our Standing Orders mean; they struggle. I cannot say that I did not struggle, I struggled too but I had the best teachers in the world. When I came here, we had so many long standing Parliamentarians that the Premier and I had very good teachers; including your good self Mr. Speaker, and the Minister of Education, and some dearly departed former Members and also former Members, but it has been a journey of passing it on from one to the next but it is time we put it on paper.

I agree with the Premier that the Standing Orders should not be hurdles for any Members, they should be to ensure the smooth operation of any Parliament and I think that we have the capacity to do that. For one reason or another I do not even remember the many times that we failed or did not get to it or the session of that House ran out and we never got to it. We were going to engage the Clerk from Barbados, unfortunately he passed away. Then we were going to engage the Clerk from Trinidad to help us; that never happened. We brought people from Canada— I don't remember his name. We did so many things. I believe once we unearth all those many folders that we have, we may be able to get this done in a short time, especially before the end of this session.

I think if there is one thing that would complete a tenure of 20 plus years for me would be to see the operational part of this Legislature be much smoother; complete the 20 years that is all I am saying. After 20 years it should have been, because I have spoken throughout the Commonwealth about the separation of powers and especially the Parliament from under the Executive. There were times when I even got vilified in some countries because the Executive did not want to let go. I know my colleagues in Trinidad they still have not finished it. They proposed it. Mr. Miller, the Member for North Side and I were there in 2010, on that same bandwagon. I believe we must move like we did with the autonomy of this Parliament recently and the management thereof. Now that we have the momentum and additional autonomy we must move swiftly.

This citation is just, [well], I cannot claim that it is like stepping on the moon and they said, "*One small step for man one giant step for mankind.*" It might just be one more step for us as Caymanians but it is one giant step for this Parliament to have more autonomy. It is a giant step, and those who come behind us will find that this road is not a paved road. It is the road less travelled and there are tough times and there are many pitfalls along the way. Particularly when you made promises out on the road in your campaign and you come in here and find out that you cannot do it. That is the greatest pitfall that I have found in 20 years. It is frustrating and much of it has to do with the system that is antiquated and it needs to be updated; not only here in Parliament but now that we have some separation and the Deputy Governor has no more control other than sitting here, then we can do it on our own.

I have always argued throughout the Commonwealth, that it is for the Parliamentarian who has been duly, democratically elected to make the decisions on the House of the people and for the House of the people. This is not a civil servants' house, nor is this the Executive's house. I trust that the public took note on Friday that that mace represents this House; the sovereignty and the people. The Governor is not a part of either one of them; that was put in a committee stage. No Executive would veto power [or] singularly can address any Parliament with that mace in place and the Legislature in session; all the Governor is doing is addressing the Members. He could have done that up there on Truman Bodden field. It would have been the same thing. [He] cannot address Parliament; will never address Parliament. The only person that has ever come here and addressed Parliament has been Her Majesty the Queen. No one else will ever do that other than the commoner like myself. That is the only legitimate representation that can address Parliament.

This is the House of Commoners. That is why it is only $1,000 for anyone to put it up. You cannot have it so cost restrictive that it is out of the reach of the common man— that is precisely what it is— or we would be going right back to the ages where the merchants would control. There must be some equality but more importantly the right to represent the people and we cannot tell the people who to send here. That is what is unique about us. We must convince them that we are better and we are more capable than the other to represent their views and in so doing this Parliament, and this one in particular, must always maintain that integrity.

The sanctity of Parliament must always be respected by all those who are sent here to represent their people. The only way to do that is for the Parliament to have its say in how it is operated by the people, by the representatives who are sent to the Parliament. To do that is the Standing Orders and the management thereof under the Members. Every Member in here must be responsible for the management of this Parliament. That is why the people have sent us here. Now

that we have moved it from under the Executive, in particular the Deputy Governor, we can now deal with what we have to deal with.

I did not say anything derogatory about the Deputy Governor, it is just making sure everyone understands who was managing us here. Who told us how much coffee to buy, how many reams of paper to go out for, how much water to serve the Members, how many highlighters we could buy. Now that responsibility lies squarely in the hands, and rightly so, of the Members who make up this Parliament and it excludes the Attorney General and the Deputy Governor.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Well, not deliberately so, but they have no authority because they are an arm of the Executive.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Well, they may be agents of the Executive but we are agents of the people and the people expect us to run their House.

I often say, and the Minister of Education often repeats, no one owns any real estate here. That real estate is owned by the people who put us here and we operate at their pleasure.

Mr. Speaker, to you and the Premier, I want to make my commitment that I am ready. Let's get this thing done. Let's get it done as quickly as possible. It is the Premier that you will have to be trying to get the driver to bring here, you know I will come—

[Laughter]

Hon. V. Arden McLean, Leader of the Opposition: —but he will be dragged from one pillar to post so you need to ensure that he is properly and timely informed of our meetings. I am ready and let us get it done. At least the three of us need to meet at some stage so that we can formulate a process of getting this done.

There is no need for the Attorney General. If we need him from a legal perspective then we will consult with him but I am ready; let us get it done. Thank you, sir.

The Speaker: I am—

[Inaudible interjection]

The Speaker:—very pleased about the discussion on the Standing Orders and as soon as the Premier can make himself available we can do preliminaries—

[Inaudible interjection]

The Speaker: —till we get a Bill to present to the House for their approval.

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

The Member for North Side.

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

I rise to support the Bill before us, Citation of Acts of Parliament Bill, 2020. I too think it is timely and progressive and I too support the many necessary changes that need to be made to the Standing Orders to make this institution function better.

I would just draw the attention of the Attorney General to clause 1 when it talks about the commencement; most of the other Bills have by Order of Council. Based on what the Premier said about the urgency of it, we might want to put in there, *as soon as the Governor signs it*. I do not know whether that is necessary but we need to know when the commencement of the Bill is.

I support the Bill. I think it is timely and look forward to the review of Standing Orders. Thank you.

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

I call now on the honourable mover of the Bill for his right of reply.

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

I would like to thank Honourable Members for their outpouring of support for this Bill, and not withstanding what the Honourable Leader of the Oppositions says, I am willing and ready when co-opted to assist with the Standing Orders.

[Inaudible interjection]

[Laughter]

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

I am always willing to assist. In reference to the observation from the Honourable Member for North Side as it relates to clause 1 of the Bill, what will happen here is that this Bill will come into effect once gazetted and the hope is that it will be gazetted tomorrow, all things being equal. I see the Clerk nodding in acquiescence, thank you.

I thank Honourable Members and, as I said, commend this Bill to this honourable Parliament for passage.

The Speaker: The question is that a Bill shortly entitled the Citation of Acts of Parliament 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: Citation of Acts of Parliament Bill, 2020 was given a second reading.

The Speaker: The House will now proceed to Committee Stage to consider the Bill.

House in Committee at 4.12 p.m.

COMMITTEE ON BILL

The Chairman: Please be seated.

As usual we assume that we would authorise the Attorney General to correct minor errors and such the like in this particular Bill.

CITATION OF ACTS OF PARLIAMENT BILL, 2020

The Clerk:
Clause 1 Short title.

[Pause]

The Chairman: If there are no questions on clause 1.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:
Clause 2 Interpretation.

The Chairman: Honourable Attorney General.

Amendment to clause 2

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

My apologies that I omitted to mention that there is a short Committee Stage amendment to clause 2. Mr. Chair, with your leave, I beg to move the following Committee Stage amendment: That it be amended in clause 2 by deleting the definition of "**Act**" and substituting the definition as follows:

"'Act' means an Act of the Parliament of the Cayman Islands except where that reference was introduced into the laws of the Islands prior to the commencement day, in which case, in that reference 'Act' shall mean an Act of the Parliament of the United Kingdom, an Act of England, or an Act of Great Britain as applicable.".

In clause 2 of the Bill, there is a reference there to **"'Act' means an Act of the Parliament of the Cayman Islands…"** and so on. It says: **"'Act' shall mean an Act of the Parliament at Westminster and such references to Acts of Parliament shall be references to Acts of the United Kingdom Parliament".** Just to clarify that it is much wider than Act of Westminster Parliament. Some were enacted by English and Great Britain Parliaments rather than just United Kingdom Westminster Parliament. For example, you'll find that they use a 1689 Bill of Rights which is an Act of England, and then there is period 1707 to 1801 when they were Acts of Great Britain; hence, the clarification there.

The Speaker: The Leader of the Opposition.

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

Does this also include those Acts that were approved by the Governor General of Jamaica?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: For instance the Prescription Law 1831 or 1832?

The Attorney General, Hon. Samuel W. Bulgin: The Prescription Law? We eventually renamed that to 'Law'.

Hon. V. Arden McLean, Leader of the Opposition: To what?

The Attorney General, Hon. Samuel W. Bulgin: I think we received the Prescription Act 1832, and—

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Sorry?

[Inaudible interjection]

[Pause]

The Attorney General, Hon. Samuel W. Bulgin: Yeah.

[Cross talk]

The Chairman: Honourable Attorney General, you are replying?

The Attorney General, Hon. Samuel W. Bulgin: Mr. Chair, yes.

I think what the Member is referring to, and I am speaking off the top of my head now without the benefit of my notes, but I think what had happened was

that initially we started, we received the Prescription Act from Jamaica and then eventually that morphed into the Prescription Law of the Cayman Islands. Somewhere along the line we changed 'Act' to 'Law'; so we had our own Prescription Law.

[Pause]

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: In 1962, so it would apply to that as well right? On that basis that is where the Crown has authority to—

The Attorney General, Hon. Samuel W. Bulgin: Make Order in Council.

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

The Attorney General, Hon. Samuel W. Bulgin: So this amendment would take that into account.

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

However, you are saying that the 1832 Act on Prescriptive Rights has been morphed into the Prescription Law?

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: Somewhere along the way picked up the title 'Law' instead of 'Act'.

Hon. V. Arden McLean, Leader of the Opposition: The other question: how come British Virgin Islands (BVI) calls theirs 'Act'? I don't know.

The Attorney General, Hon. Samuel W. Bulgin: Different territories use different titles. I think Turks and Caicos calls theirs Ordinances.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: You might be right, I don't know, but different territories use different nomenclature.

[Cross-talk]

The Attorney General, Hon. Samuel W. Bulgin: Gibraltar is 'Act'.

[Pause]

Hon. V. Arden McLean, Leader of the Opposition: It says Virgin Islands— that must be ours right— Legal Profession Act, 2015. I don't understand the difference because I didn't become a lawyer through osmosis, you know.

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Close proximity to *unna,* you don't see how far *unna* are from me?

[Inaudible interjection]

Hon. V. Arden McLean, Leader of the Opposition: Yeah, and your head just…

[Pause]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Chairman, through you: I just need to talk to the Attorney General please.

I just wondered if there was a… They may have done a citation as well, okay, because I know they have not gone as a far in their autonomy as we have, you see.

[Pause]

The Chairman: I know that the two of you really like each other.

[Inaudible interjection]

The Chairman: Are you both satisfied that you have ventilated your thoughts?

Hon. V. Arden McLean, Leader of the Opposition: I think so. I am still no closer to where I want it to be but I shall acquiesce.

The Chairman: The question is that the amendment stand part of the clause?

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3	Style of legislation
Clause 4	Amendment of enactments
Clause 5	Amendment of subordinate laws

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 3 through 5 passed.

The Clerk: A Bill for a law to amend the Laws with respect to the citation of Laws consequential to the amendment of the Constitution; and for incidental and connected purposes.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Title passed.

The Chairman: The question is that the Bill now be reported to the House.

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

AYES.

The Chairman: The Ayes have it.

Agreed: The Bill will be reported to the House.

House resumed at 4.27 p.m.

The Speaker: Please be seated.

The House now resumes its business.

REPORT ON BILL

CITATION OF ACTS OF PARLIAMENT BILL, 2020

The Speaker: The Honourable Attorney General.

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

I beg to report that a Bill entitled Citation of Acts of Parliament Bill, 2020 has been considered by a committee of the whole House and passed with one amendment.

The Speaker: The Bill has been duly reported and is set down for the Third Reading.

Suspension of Standing Order 10(2)

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, with your permission I would like to move the suspension of two Standing Orders.

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

The Speaker: The question is that the—

[Inaudible interjection]

The Speaker: According to the Premier's time it is 4.30 p.m.

[Laughter]

The Speaker: The question is that the Standing Order 10(2) be suspended in order for us to conduct business after 4.30 p.m.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

Suspension of Standing Order 47

The Speaker: Honourable Premier.

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

I move the suspension of Standing Order 47 in order that a Bill may be taken through three readings in the course of one day.

[Inaudible interjection]

The Speaker: Question is that Standing Order 47 be suspended in order for business to go through all of its stages.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 47 suspended.

THIRD READING

CITATION OF ACTS OF PARLIAMENT BILL, 2020

The Speaker: The Honourable Premier.

[Cross-talk]

The Speaker: The Honourable Attorney General.

[Inaudible interjection]

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

I beg to move that the Bill short-titled Citation of Acts of Parliament Bill, 2020, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled Citation of Acts of Parliament Bill, 2020, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Citation of Acts of Parliament Bill, 2020, was given a third reading and passed.

FIRST READINGS

LEGAL SERVICES BILL, 2020

The Speaker: The Bill has been read a first time and is set down for the Second Reading.

PRIVATE FUNDING OF LEGAL SERVICES BILL, 2020

The Speaker: The Bill has been deemed to have been read a first time and is set down for the Second Reading.

REGISTERED LAND (AMENDMENT) BILL, 2020

The Speaker: The Bill has been deemed to have been set down for the Second Reading.

PRESCRIPTION (AMENDMENT) BILL, 2020

The Speaker: The Bill has been deemed to have been read a first time and is set down for the Second Reading.

VIRTUAL ASSET (SERVICE PROVIDERS) (AMENDMENT) BILL, 2020

The Speaker: The Bill has been deemed to have been read a first time and is now set down for the Second Reading.

COMPANIES (AMENDMENT) (NO. 3) BILL, 2020

The Speaker: The Bill has been deemed to have been read a first time and is now set down for the Second Reading.

PROPERTY (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL, 2020

The Speaker: The Bill has been deemed to have been read a first time and is set down for the Second Reading.

SPECIAL ECONOMIC ZONES (AMENDMENT) BILL, 2020

The Speaker: The Bill has been deemed to have been read a first time and is set down for the Second Reading.

HEALTH CARE DECISIONS (AMENDMENT) BILL, 2020

The Speaker: The Bill has been read a first time and is set down for the Second Reading.

PENAL CODE (NO. 2) (AMENDMENT) BILL, 2020

The Speaker: The Bill has been read a first time and is set down for the Second Reading.

Honourable Premier.

[Cross-talk]

ADJOURNMENT

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

As I indicated earlier, we really would like the Bills which are passed subsequently to bear the title 'Act', and we therefore need to have the Citation of Acts of Parliament Bill which this House has now passed, assented to by His Excellency and gazetted. Hopefully, all of that can be done tomorrow and the business of the House can resume at 10 o'clock on Wednesday, which is the usual, in any event, as Tuesday is the day when Cabinet is usually held.

With that, I move the adjournment of this honourable House until 10 a.m. on Wednesday the 9th.

The Speaker: Thank you. The question is that this honourable House do stand adjourned until Wednesday the 9th December, 10 a.m.

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

AYES.

The Speaker: The Ayes have it.

This honourable House now stands adjourned until December 9th.

At 4.35 p.m. the House adjourned until 10 a.m., Wednesday, 9th December, 2020.