

OFFICIAL HANSARD REPORT
THURSDAY
9 DECEMBER 2010
10.55 AM
Ninth Sitting

The Speaker: I call on the Member for North Side to say Prayers this morning.

PRAYERS

Mr. D. Ezzard Miller: Let us pray.

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

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

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

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

The Speaker: Good morning everyone. Please be seated.

Proceedings are resumed.

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

The Speaker: I have no messages from Members this morning.

I do have a statement. The statement is made re: The article in the Editorial in the *Caymanian Compass* of 8 December 2010.

**Statement by the Honourable Speaker: RE Article
in the Editorial in the *Caymanian Compass* of 8
December 2010**

The Speaker: On May 27, 2009, the Cayman Islands' people watched 15 persons elected by them, and two Official Members appointed by the Governor in accordance with the Cayman Islands Constitution take the Oath of Allegiance to Her Majesty and the Oath of Office as Members of the Cayman Islands Legislative Assembly.

I was honoured to have been elected as the Speaker of this honourable House on that same day.

On September 15, a Select Committee of the whole House was appointed to review the Freedom of Information Law in accordance with the terms of that legislation, and I, as Speaker, was appointed to Chair that Committee.

For the benefit of the listening public, the Information Commissioner reports to Parliament through my Office, as Speaker. Our working relationship until this point has been one of mutual respect as we worked through the terms of this new piece of legislation with the Office of the Attorney General, the Cabinet, and the Legislative Assembly, to effect its optimum workability.

The first step was to bring amendments to the Public Management and Finance Law to ensure the independence of the Commission. This would take some time for, unlike the viewpoint promoted in the public arena, all proposed legislation must go through an intense series of procedures before it arrives on the Governor's desk for his signature as Her Majesty's Representative and becomes law.

The appointment of the Select Committee of the whole House to review the Freedom of Information (FOI) Law was the next step. The Law itself dictates that it be reviewed by the Legislative Assembly, not an outside committee. That review too will take time. The recommendations of that Committee will be presented to the Legislative Assembly together with copies of the Minutes of its proceedings for consideration, adoption, or rejection. If adopted, it will be sent to the Legislative Council for drafting of an amending bill, which will again go through the due process before it arrives on the Floor of the Legislative Assembly for consideration.

The Select Committee of the whole House, chaired by me, in turn, appointed from among its ranks a sub-committee to carry out the basic research necessary for the main Committee to get on with its work. That sub-committee is made up of the Honourable Attorney General, legal advisor to the Govern-

ment, and the Second Official Member of this Legislative Assembly; the Honourable Leader of the Opposition, who is also the First Elected Member for George Town, and Leader of the previous Government which introduced the Law; the Member for North Side, who is the independent Member in the House; the Third Elected Member for Bodden Town, the Fourth Elected Member for George Town, and myself, the Speaker of this honourable House.

I was appalled, therefore, to read on the front page of yesterday's *Caymanian Compass* newspaper an article headlined "Closed Door FOI Review set" with a subheading "FOI Commissioner Wants Key Role," and the continuing headline on page 9 stating "Secret FOI Review Plan," an article impugning the integrity of the Members of this Legislative Assembly.

In the first instance this is a Select Committee of the Legislative Assembly. You can only be a member of it or chair it if you are a Member of this Legislative Assembly duly elected or appointed to office. You can present an opinion paper, as the Commissioner has done. You can appear before the Committee when called to present your viewpoint, as she will be, and as others can and will be. But I repeat, you cannot be a member of it or chair it unless you are a Member of the Legislative Assembly.

The proceedings for the operation of such committees are laid down very clearly in Standing Orders 70, 71, 72, 73 and 74. And I will quote just one section of those three and half pages of Standing Orders. I will quote section 73(4): **"The proceedings of and the evidence taken before any select committee and any documents presented thereto, and decisions of such committee, shall not be published by any Member thereof or any other person until after the committee has presented its report to the House."**

The article on the front page of the newspaper is backed by an editorial [in which] the opening paragraph states: **"We suppose someone in the 'secret'"** and [the word] "secret" is in quotations **"sub-committee that we guess is going to decide the fate of Cayman's Freedom of Information Law will say . . ."** and I quote their quotation: **"One only need look at what has happened with WikiLeaks to see the dangers inherent in FOI."**

Having made those statements further maligning the integrity of the honourable Members of this Legislature who sit as members of this Select Committee, and even more specific, the honourable Members of the sub-committee, the writer goes on to say, and I quote: **"In attempts to head off this foolishness . . ."** Foolishness? **" . . . since we haven't been invited to participate in any hearings of this secret body . . ."**

And it concludes with, and again I quote: **"What we would like to express is our fear that the latest WikiLeaks release will serve as an excuse for governments around the world to further restrict access to legitimate public information."**

Continuing the quotation: **"Indeed, we have seen from experience here in Cayman that the public sector often takes great umbrage when it is embarrassed by information revealed via FOI requests."**

"But embarrassment is not a reason to begin whittling away at democracy and the free press."

When the free press, however, begins whittling away at the root of democracy defaming the integrity of the country's Legislative Assembly and the integrity of its honourable Members by deliberately planting in the minds of the public the idea that the persons they have chosen to represent them are not worthy or their trust and respect, and imbuing the carrying out of their legislative duties with sinister proportions, it is time for this Chair to act.

Further, I would note here that this attempt to belittle and besmirch this Legislative Assembly, its Members and its Speaker, is not a first-time event.

The contemptuous statements of yesterday, however, cannot be ignored. The Legislative Assembly must be allowed to conduct its business without interference from anyone according to the principles of democracy and parliamentary procedure.

In the last sitting of this House I offered to the members of the press a copy of the Standing Orders of this House and a copy of the Legislative Assembly Immunities, Powers, and Privileges Law (1999 Revision) in an attempt to ensure that persons who are privileged to report in this Assembly are familiar with its proceedings, its powers and its privileges.

I will quote now from section 18(2) of the Immunities, Powers and Privileges Law [1999 Revision]. I quote: **"Whoever—**

"(a) publishes any statement, whether in writing or otherwise, which falsely or scandalously defames the Assembly or any committee, or which reflects on the character of the Speaker or the Chairman of the Committee in the discharge of his duty as such;

"(b) publishes any writing containing a gross, wilful or scandalous misrepresentation of the proceedings of the Assembly or a committee or of the speech of any member in the proceedings of the Assembly . . . ;

"(c) publishes any writing containing any false or scandalous libel on any member touching his conduct as a member; or

"(d) publishes any report or statement purporting to be a report of the proceedings of the Assembly in any case where such proceedings have been conducted after exclusion of the public by order of the Assembly,

"is guilty of an offence and liable on conviction before the Grand Court to a fine of eight hundred dollars and to imprisonment for twelve months."

I stated then that reporting this legislature is a privilege, not a right. It is a privilege in other countries that the free press guards jealously. It is a privilege that is awarded by my Office and which can be revoked by my Office. Accordingly, I am calling on the Cayman Free Press and Mr. Brent Fuller, who is listed as the author of the article, to apologise to this Legislative Assembly for the said article and editorial which impugns the integrity of the Cayman Islands Legislative Assembly, its honourable Members and Speaker.

I am further suspending Mr. Brent Fuller's privilege to report in this Legislative Assembly for the remainder of this week. As of this moment, I am asking that he remove himself, if he is present, forthwith.

This does not—I repeat, this does not—apply to any other reporter from Cayman Free Press or any other entity that has been granted the privilege of reporting in this Legislative Assembly.

Thank you.

PRESENTATION OF PAPERS AND OF REPORTS

Financial Statements of the Port Authority of the Cayman Islands, 30 June 2005 and 2006; 30 June 2006 and 2007

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, thank you.

I beg to lay on the Table of this honourable House the Financial Statements of the Port Authority of the Cayman Islands, 30 June 2005 and 2004; the Port Authority of the Cayman Islands Financial Statements, 30 June 2006 through 30 June 2007.

The Speaker: So ordered.

Cayman Islands Airports Authority Financial Statements for the year ended 30 June 2005, 30 June 2006, 30 June 2007, 30 June 2008

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Cayman Islands Airports Authority Financial Statements for the year ended 30 June 2005, June 2006, June 2007, June 2008.

Madam Speaker, four years—much of which was under the previous Minister of Tourism, who clamours now about due diligence and who is on the radio every day about Government's finances . . . yet he could not find time to see that these were [tabled], and we have had the Public Accounts Committee calling on this. We have had the new Auditor General talking about it. And, Madam Speaker, hopefully we will get to a position where these financial statements

can be laid on the Table of this House more quickly for everyone to absorb.

Thank you kindly.

The Speaker: Madam Clerk.

Cayman Islands Government Annual HR Report 2009/10—Employee Information and Human Re- sources Activity for the Civil Service

The Speaker: Honourable First Official Member.

The Deputy Governor, Hon. Donovan W.F. Ebanks: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Annual HR Report for 2009/10.

The Speaker: So ordered.

Does the honourable Member wish to speak thereto?

The Deputy Governor, Hon. Donovan W.F. Ebanks: Madam Speaker, thank you. Just to make a few brief remarks.

Madam Speaker, the Report just tabled contains information about key statistics and trends impacting the Human Resources within the Civil Service and the wider public service.

I want to thank the staff of the Portfolio of the Civil Service, especially Miss Jewel Richards and her team, for having assembled what I trust Members and the public will find a very informative document that is rich in information.

I would just draw Members' attention to page 4 and the trend that is illustrated there in terms of the decline and the overall number of public servants. I would add, however, Madam Speaker, that it is a trend whose slope and whose rate, unfortunately, still is not as high as I would like to see it, and as I hoped to see it going forward. We certainly have to continue to try to drive down more aggressively the overall size of the organisation. But certainly, we are on the right direction even though, as I said, not at a pace that is as rapid as I would hope.

I will also draw Members' attention to page 8 and the percentage of persons within the organisation who are 60 and over. Members would note that that percentage has ranged around five (between 4.7 and 5.1) over the last six or seven years. It is always a very sensitive issue in terms of people who would wish to continue on and feel that they are of the health and knowledge, and all the other things, and in the current situation feel that they would like to continue to work.

The flip side, of course, is that there are ever present these days numbers of persons who want to get a start at employment, and the cause for hard decisions in respect of those who on average, one could say, have had 40 years at the trough, and the need to

provide an opportunity for the person who is 20 at the other end of the chain to start to muzzle in. But overall, as statistics indicate, the percentage has not changed substantially either in recent times or in the longer term.

I would like to also mention page 14 which, Madam Speaker, we often hear the suggestion in terms of measures to address costs related to the public service, the need for us to go at the top end, go at the people who are making \$10,000 per month and more. But as statistics suggest, Madam Speaker, unfortunately 99 per cent of the public service makes less than \$10,000 per month and there is not a whole lot of benefit you can extract from the one per cent that you are going to spread over the 99 and have any meaningful impact.

In fact, 85 per cent of the public servants make less than \$60,000 per year, or \$5,000 a month. So, I think that profile of what people actually make might be one that could serve some benefit to people to familiarise themselves with.

It is also noted on that page that 78 per cent of public servants are at either the mid-point of their grade or below, which I felt useful to highlight. But overall, Madam Speaker, the document provides a rich resource. I had intended making a comment or two in relation to how it might be consumed or utilised by a segment of society that is now taking journalism to mean converting statistics to verbiage. But you just reminded me, Madam Speaker, how much better my mother was at flogging me than my father. So, I will defer to what you have said and I will leave my belt in my pants this morning.

Thank you, Madam Speaker.

[laughter and inaudible interjections]

The Speaker: Thank you, Honourable First Official Member.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: Honourable Member.

[Inaudible interjection]

The Speaker: Sorry, we need a motion to suspend Standing Orders to allow the questions after 11 o'clock.

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

The Premier, Hon. W. McKeever Bush: Madam Speaker, we would propose to suspend Standing Order 23(7)—

The Speaker: And (8).

[inaudible interjection]

The Premier, Hon. W. McKeever Bush:—23 (7) and (8) . . . the relevant Standing Order, anyway, Madam Speaker, in order for questions to be answered after 11:00 am.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended to allow questions to be asked after the hour of 11 o'clock.

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

Ayes.

The Speaker: The Ayes have it.

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

The Speaker: Honourable Third Elected Member for George Town.

Question No. 9

Mr. Alden M. McLaughlin, Jr.: asked the Honourable Second Official Member for the Portfolio of Legal Affairs how many non-Caymanians lawyers have been admitted to the Cayman Islands Bar since 1st January 2005.

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, the answer: In consultation with the Clerk of the Court, his reply to the Parliamentary Question was, and I quote: "I advise, firstly, that we do not keep this statistic. However, we are able to roughly estimate the number of non-Caymanian Attorneys admitted since 1 January 2005 to date as 368."

The Speaker: Third Elected Member for George Town.

Supplementaries

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, might I ask the Honourable Second Official Member if he would confirm that those are general admissions and not limited admissions, that is, temporary admissions?

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, in speaking to the Clerk of the Courts, my understanding [is] that it is as articulated by the honourable Member.

Thank you.

[inaudible interjection]

Hon. Samuel W. Bulgin: My understanding is that they are general admissions.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

Madam Speaker, I wonder if the Second Official Member is able to [give] the total number of lawyers presently admitted to the Cayman Islands Bar.

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, the latest statistics available to me indicate that there are 550 lawyers on the roll for 2010.

The Speaker: Any further supplementary?

[inaudible answer]

The Speaker: Okay.

Third Elected Member for George Town.

Question No. 10

Mr. Alden M. McLaughlin, Jr. asked the Honourable Second Official Member for the Portfolio of Legal Affairs how many Caymanians with the requisite legal qualifications are currently seeking articles of clerkship, and, of those, how many qualified at the Cayman Islands Law School and how many elsewhere.

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Madam Speaker, the answer: Statistics compiled by the Caymanian Bar Association and recently updated by the Cayman Islands Law School indicate that there are currently 11 persons with the requisite legal qualifications seeking articles of clerkship. Of these 11, all are Caymanians, including those with status, and all are recent graduates of the Cayman Islands Law School.

The Speaker: Third Elected Member for George Town.

Supplementaries

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

Madam Speaker, I wonder if the Honourable Second Official Member is able to define "recent." Is

that qualified a year ago? Two years ago? Or three years ago?

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Regrettably, no. If I were to make an informed assumption, Madam Speaker, these are people who would have qualified probably at least, two years ago and earlier.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, is the Honourable Second Official Member able to indicate why it is that these 11 persons with the requisite legal qualifications seeking articles of clerkship are unable to obtain them, given the statistics provided in response to the previous question?

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, there is really no one answer. Certainly, in informal canvassing with those who are seeking articles, and some of the lawyers, there is a combination of reasons. But, certainly, the most common has to do what I am told with some of the firms. . . well, not just firms, but there are also the attorneys, principals, contending that they are unable to provide articles to some of these people because of difficult economic circumstances or conditions, and that is usually the principal reason advanced.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, can the Honourable Second Official Member say whether he is aware of any efforts being made by his Office, by Government generally, or, indeed, by the Bar Association, or any other organisation, to bring pressure to bear on the firms? Or, indeed, perhaps the old ogre called the Immigration Board, to bring pressure to bear on these firms to provide opportunities for training of Caymanians?

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Madam Speaker, efforts have been and are being made. I would not characterise it as pressure to bear, but, certainly, Government continues to make appeal to those who operate these firms, and lawyers generally, to try and accommodate these persons who are seeking to be articulated.

Government and, certainly, my chambers, have and continue to play its part. I am reminded,

Madam Speaker, that, certainly, since 2004 and now, some 14 persons have been articled in the Attorney General's chambers. As we speak, Madam Speaker, there are three articled clerks and staff in the chambers.

I have been privy to several discussions where efforts have been made to try and get firms, try and get attorneys, to provide training to these persons. Certainly, Madam Speaker, it is regrettable if pressure has to be brought to bear on them, because in the profession in which I grew up, it is part of a lawyer's DNA to provide training for certainly law students and young lawyers. We saw it as part of our DNA to do so, in the same way that it is part of a lawyer's DNA to do *pro bono* work where it is necessary to help those who are less fortunate.

So, it is regrettable if pressure has to be brought to bear on those who are supposed to be doing that. But there are continuing efforts and overtures being made by Government, by the Attorney General's chambers and others, to try and secure articles for these persons.

Thank you.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, the Cayman Islands Law School is now 27 years old and has done a remarkable job in training not just Caymanians but, indeed, it is a place now that accommodates a significant number of students from elsewhere. I believe, Madam Speaker, that the issues or concerns or snide remarks about the quality of the education are generally a thing of the past.

Given all of that, Madam Speaker, I wonder if the Honourable Second Official Member could agree that perhaps part of the problem is the relative ease with which permits are being dispensed, not just now but in recent years, for young lawyers from overseas thereby shutting the door or the opportunity, or perhaps reducing the incentive for firms to train up local attorneys to take those positions. I wonder if he would agree.

Hon. Samuel W. Bulgin: Madam Speaker, what—

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you.

Madam Speaker, what I am prepared to say is that there is a longstanding policy in Government—certainly in this country—where entry level posts in the legal profession are reserved for Caymanians, and that has crystallised into a situation where persons who have less than three years' post qualification experience (PQE) are generally not provided with work permits to practice in the Cayman Islands, because that is the entry level position which ought to be able to be used to accommodate Caymanians.

Therefore, there is an accommodation for that. There are instances, of course, that we are aware of where, like any other policy, there are exceptions and so there is flexibility. But the understanding, certainly, is that those entry level jobs ought to be reserved for young Caymanian attorneys.

It follows, Madam Speaker, extrapolating from that, that if less persons are recruited at that level, then it certainly should provide a basis, an incentive, for young Caymanian attorneys to be trained.

Like the honourable Member, I am one of those who does not subscribe to the view that you can fly someone into these Islands with three years of experience and pass them off as a specialist attorney. Certainly, that is something that I do not subscribe to. And so if you are looking for someone with three years' qualification (PQE), three years or less, then, certainly the appropriate thing to do is to find a young Caymanian attorney and train that person up in the discipline so that after three years they too may very well be regarded as a specialist attorney.

I certainly agree with him as well, that all the evidence suggests that persons coming out of the Cayman Islands Law School are as good as any other attorney trained anywhere and who works in any of those magic circle firms, or anywhere else in the region for that matter. Thank you.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, I thank the Honourable Second Official Member for that answer and would ask him if he would undertake on behalf of Government or on behalf of his chamber, however he needs to do it, to convene a meeting with the principals of the firms, certainly the major firms, to see if this issue can be addressed.

We cannot, Madam Speaker, continue down a road where there are dozens of lawyers from elsewhere admitted to the local Bar every year and we have Caymanian qualified persons who have done everything except actually complete or even start their articles to qualify, sitting there either twiddling their thumbs or working in positions well below their academic achievement qualifications and aspiration.

The Speaker: Second Official Member.

[pause]

Hon. Samuel W. Bulgin: Sorry. Thank you, Madam Speaker.

Madam Speaker, I will be more than happy, certainly more than happy, to convene such a meeting with all stakeholders and certainly with those who are in a position or should be in a position to offer articles to these persons.

I am aware, Madam Speaker, that the Government, arising out of some recent discussions concerning the amendment to the Legal Practitioners

Law, is considering the whole issue of the obligation of some of the lawyers to provide training and will taking, sort of, a comprehensive look at the matter with a view to bringing some sort of semblance of equity and reasonableness to the whole thing.

Thank you.

The Speaker: Are there any further supplementaries?
Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker, I wonder if the Second Official Member would give an undertaking to the House to send a request to the Business Staffing Plan Board that no more work permits can be renewed for anybody with less than 10 years' experience, or any new work permits issued until these 11 Caymanians get jobs.

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

That is quite a giant leap. Certainly, that is a matter that will have to be considered by Government. I am sure . . . we are all here—all Members of Cabinet. And we will certainly consider the views of the honourable Member in the context of what is going to be considered. Thank you.

The Speaker: Any further supplementaries?
Member for East End.

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

Madam Speaker, I note the substantive question asks for Caymanians with the requisite legal qualifications who are currently seeking articles of clerkship. I wonder if the Second Official Member can tell us if we have any non-Caymanians who are seeking or are currently working in the clerkship position in this country coming from our Law School.

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I really do not have any statistics, regrettably, to answer the question. But I am aware that there are persons who are not necessarily Caymanian, but have sufficient Caymanian connections that allow an exemption to be made for them to be able to do articles.

I do not have a number. What I can do is to undertake to provide that with the honourable Member in writing.

The Speaker: Any further supplementaries?
Member for East End.

Mr. V. Arden McLean: Madam Speaker, I wonder if the Second Official Member cares to give us a definition of someone who is not Caymanian but has suffi-

cient connection to warrant considering them Caymanian. I wonder if he could give us that.

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Well, Madam Speaker, I would be happy to do so. Certainly, from cases that I am aware of, there are persons who are married to Caymanians, and there are persons who have both parents working here that do work and live here for an extended period of time and would have gone to law school here and qualified here and all of that sort of thing. Those are the sort of exceptions that usually attract the concept to do articles.

The Speaker: Member for East End.

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

Madam Speaker, I do not have any beef with the Attorney General's definition of a person who is married to Caymanian. That is a connection. We may keep that; but not if your parents are working here and then you go to law school.

Can the Second Official Member say if it is not specific that to get clerkship in this country you have to be Caymanian in accordance with the definition of Caymanian in the Immigration Law and the Constitution?

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: No, Madam Speaker. The general tenor is that you should be Caymanian, but there are exceptions where . . . there are provisions, rather, where the Governor in Cabinet—yes, the Governor in Cabinet—can grant permission or approval of persons who are not Caymanian to do articles, and that is where usually the exception is considered.

The Speaker: Member for East End.

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

Madam Speaker, I knew he would get there. Took us a little while but . . . Madam Speaker, I wonder if the Second Official Member can tell us—same said guy, okay.—1) How many is he aware of that are currently doing that?; 2) If that is not a contradiction of the requirements, thus leaving 11 Caymanians on the street?

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, as I mentioned before, I do not have the numbers, I do not have statistics. But I certainly will undertake to provide that for him in writing.

As to whether it is a contradiction or not, Madam Speaker, each case is considered on its own merit. And if there is an application, and the Governor in Cabinet over the years considers that there is substantial nexus between the non-Caymanian applying for permission to do articles in the Cayman Islands, then, certainly, there is a reasonable exercise of that discretion, and that has happened over the years.

What I can say, is that instances where that has occurred are really few and far between. Rarely, really, seldom ever happens. And so, I would be surprised if we have probably more than three or four persons who fall into that category at the moment.

Thank you.

The Speaker: Are there any further supplementaries? One more please.

Member for East End.

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

Madam Speaker, I wonder if the . . . Madam Speaker, this is a vexing subject, this legal fraternity in the country. And it does not seem to be as noble as they would have us believe.

The Speaker: Your question?

Mr. V. Arden McLean: Yes, I will soon get to the question, Madam Speaker. But I had to say that one!

Madam Speaker, I wonder if the Attorney General would say, since we have that provision . . . and I am not blaming this Government. Successive governments have done this.

Is it fair, then, since Government can approve . . . Cabinet can approve non-Caymanians getting clerkships—and we manipulate that somehow and call them Caymanians—is it fair then for Cabinet to put some kind of pressure (if you want to use a different phrase for it, that's your . . .) on these firms since they apply . . . because it has to be the firm applying for it at all times for non-Caymanians. And, I am sure that is spread straight across all of the firms. Let us put some pressure on the firms to hire Caymanians to article Caymanians as well. Is that not fair?

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Madam Speaker, I was just thinking that the Standing Order does not really allow for questions to ask one's opinion. But [laughter] that nonetheless will have—

The Speaker: You can choose to reply or not.

Hon. Samuel W. Bulgin: I will be . . . It is a very important issue, Madam Speaker, and I will be very happy to answer it.

The truth is, Madam Speaker, that, as I mentioned earlier, it should not be that firms are pressured into hiring trainee lawyers or articulated clerks. It should

be a sort of an understanding. That is why I mentioned that as part of a lawyer's DNA [they] provide training to young lawyers or to persons aspiring to be. So, it is regrettable if it has to be that pressure is exerted.

But what I do know is that a lot of effort has gone into persuading firms into hiring articulated clerks. And at the end of the day, Madam Speaker, it is really a matter for these firms unless there is some sort of a sanction or some other means being used to coerce them, regrettably, into doing so. It is not much that can be done because it is really a contractual position between the articulated clerk and the lawyer.

But I am, like the honourable Members on that side who have asked questions, terribly disappointed that we still have 11 persons seeking articles and have not been able to successfully get employed. But I am prepared, Madam Speaker . . . I have been trying . . . but I am prepared to intensify my effort, certainly, along with other stakeholders, in ensuring that these persons do in fact be afforded an opportunity to complete their training.

It is only fair that having invested enough time and money into completing their degree and their PPC, that they be afforded an opportunity to go the final step, which is to be articulated and then complete their training. So, I am happy to and prepared to work with those involved to ensure that that does in fact happen. Thank you.

The Speaker: That is the end of Question Time.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: We have one statement.
Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, before I move to the statement, I crave your indulgence to raise my voice also in this serious matter that has been discussed for the last half an hour.

There should be, Madam Speaker, an obligation of the legal fraternity in these Islands to see that in a country of over 300 practicing lawyers—

[inaudible interjection]

The Premier, Hon. W. McKeeva Bush: —well, 368 since 2005—that Caymanian young people are given an opportunity. Madam Speaker, it cannot be that we have that many lawyers and 11 wanting articleship who cannot get it.

While I believe and work hard in policy (when I say 'me' [I mean] 'the Government') to help build up

business, in particular in these awful times, I also will bring Government authority to bear on this matter.

[Applause by some Hon. Members]

The Premier, Hon. W. McKeever Bush: A discussion, however, Madam Speaker, is already underway in the Legal Practitioners Bill. When it comes here, that Bill . . . I have already given a commitment to that discussion—which some of the Opposition, at least two of them were at—that the 40-year situation that exists in this country of two associations, very limited amount of local partners, and, certainly, a disregard for articling our young people as articulated clerks, will be adhered to in that legislation. That is the commitment I gave when we had that discussion a few weeks ago.

And the Government will see to it. There has to be that change in that Law. That is underway now, Madam Speaker.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: And, Madam Speaker, I should say that the matter just raised by the Member for East End has not been one that cropped up over night. This has been one that has been going on ever since we had the Law School. In particular, I think probably just a couple of years afterwards. So, it is not a new situation and it just did not happen since 2009. I must make that clear.

However, as I said, as Premier, and as an elected Cabinet, we intend to bring Government authority to bear in that Legal Practitioners Bill. Forty years is far too long for what we have seen here. And we do not want to hear this morning, Madam Speaker, as I said, taking our liberties with yourself.

It is an important matter and we certainly, as a Government, feel strong about it. We have said that. The discussion underway was held by the Honourable Attorney General with a wide cross-section of local lawyers and representatives of the various associations. I think at least two or three associations now. As I said, at that meeting the Third Elected Member for George Town was there and also the Elected Member for East End, and I think Mr. . . . I could not remember whether it was all four, because two are usually quiet and two make a lot of noise. But . . .

[laughter and inaudible interjections]

The Premier, Hon. W. McKeever Bush: Mr. Eden was there, and so was the Leader of the Opposition, as I remember correctly now.

So, let us clear the air here today on this important matter, Madam Speaker. This is a situation that we all feel hard and put out about. Just this week, I had a young girl seeking articleship from my constituency (yes, if I should say so). Nevertheless, Madam Speaker, when we have that many people coming in, do not tell me that there is not space for 11.

I will say something else, Madam Speaker, because it is the truth. I heard someone [ask] what model of business we do in the country, when in 1975 or 1973 or 1972 we built a courthouse and we had 33 or 35 lawyers, and today we have over 500 and yet we cannot afford to build a courthouse or other things. And you have people who retire at age 40-odd and go to the Bench in the courts.

This is not being derogative of anybody. I ask the newspapers that they understand that this is a serious matter and to treat it as such. This is not us against them, or them against us; this is about the Legal Practitioners Law and the regime that has existed. It must change. As the Premier with our Government we will see that those changes are made.

The Speaker: As a matter of record the Premier did ask my permission to make that statement.

The Premier, Hon. W. McKeever Bush: Thank you very much, Madam Speaker. I will stop there.

Madam Speaker, I beg to move the suspension of Standing Order 24—

The Speaker: Sorry, make your statement first, sir.

The Premier, Hon. W. McKeever Bush: Oh, sorry. Yes.

Madam Speaker, I am cognisant of the time.

Government Guarantee in respect of a Credit Facility for the Cayman Islands Development Bank (CIDB)

The Premier, Hon. W. McKeever Bush: I rise to make a statement in this honourable Legislature with regard to a Government Motion that will be moved later. This Motion seeks the issuance of a Guarantee in the principal amount of \$5 million to FirstCaribbean International Bank (Cayman) Limited (FCIB) to support CIDB's ongoing lending programme.

Madam Speaker, honourable Members may recall that on 24 March, this year, as part of [Government] Motion No. 10 [2009/10], the Legislative Assembly approved the issuance of a Guarantee in the amount of \$5 million to a local financial institution, which, at the time, had not yet been determined since CIDB was in the process of securing an offer. Therefore, Madam Speaker, it should be clear to honourable Members that today we are merely seeking to clarify that the Guarantee issued by this honourable Legislative Assembly back on 24 March, will, in fact, be issued to FCIB.

CIDB has invited proposals from local banks and FCIB has offered a five-year credit facility to CIDB for \$5 million at a floating rate of 180 day USD LIBOR plus a margin of 275 basis points. The current effective floating rate is 3.20 and CIDB will have the option of fixing the rate for the term of the facility as provided for therein.

Section 17 of the Development Bank Law provides that the Governor in Cabinet shall not guarantee the borrowings of the CIDB unless a statement of the proposed Guarantee has been laid before the Legislative Assembly and a resolution approving that statement has been passed by the Legislative Assembly.

And with that, Madam Speaker, I hope that the Motion will be approved.

The Speaker: Thank you, Honourable Premier.

Yes, Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, I hate to intervene, but we would like to see a copy of the Motion before we ask to approve it.

The Speaker: Of course. The Motion cannot be laid on the Table of the House until the Standing Order has been raised. It will be done in due course.

Mr. Alden M. McLaughlin, Jr.: I am aware of that, Madam Speaker.

The Speaker: This is just a statement, which he is laying here now.

Mr. Alden M. McLaughlin, Jr.: I understand that, Madam Speaker, but the Standing Order also provides for a notice of motions to be given to Members. We are here this morning. We have not seen the Motion. And that is what I am asking about.

The Speaker: Thank you.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I think it should be made clear that I am making a statement and that the Motion will be circulated to Members.

The Speaker: I understand that myself. It is on the Order Paper in that order.

Before we go any further, I have a request from the Member for North Side to raise a motion under the Immunities, Powers and Privileges Law (1999 Revision).

The Premier, Hon. W. McKeever Bush: Before that, Madam Speaker, I crave your indulgence again, before any . . . Let me raise something that is much more savory.

We want to congratulate our good friend and colleague of many years on his 38th [wedding] anniversary, the Elected Member for Bodden Town. We want to wish him all the very best, he and his good wife. Madam Speaker, that is the Second Elected Member for Bodden Town.

I understand that there are others.

[laughter and inaudible interjection]

The Premier, Hon. W. McKeever Bush: Twenty-eight?

An hon. Member: Twenty-five years and [inaudible].

[laughter]

The Premier, Hon. W. McKeever Bush: Madam Speaker, I wouldn't go there! I would just like to extend the same congratulations on behalf of the House to the Third [Elected] Member for George Town.

[laughter and inaudible interjections]

The Speaker: Member for North Side.

MATTERS OF PRIVILEGE (Standing Order 28(1))

Motion on Offence under the Immunities, Powers and Privileges Law (1999 Revision)

Mr. D. Ezzard Miller: Madam Speaker, in accordance with Standing Order 28(1) I wish to raise a matter of privilege.

The Speaker: I have seen the Motion, and I concur.
Member for North Side.

Mr. D. Ezzard Miller: Madam Speaker, the article in the newspaper, which you so eloquently dealt with this morning, concerns me enough as a Member of this House and I think it is an abuse of privilege under [the Immunities, Powers and Privileges Law, section] 18(2). And it affects me in such a way that I wish to move a formal motion in this Parliament to ask the Parliament to take specific actions.

WHEREAS the Wednesday December 8th edition of the *Caymanian Compass* carried an article on the front page entitled "CLOSED-DOOR FOI REVIEW SET" written by Brent Fuller;

AND WHEREAS the Editorial in the same edition on page 9 supported the views expressed in the article;

AND WHEREAS these two articles in my view are offences under section 18 (2) of the Immunities Powers and Privileges Law (1999 Revision);

BE IT THEREFORE RESOLVED THAT this Legislative Assembly ask the Attorney General to prosecute Brent Fuller and the *Caymanian Compass* as provided for in sections 18 and 19;

AND BE IT FURTHER RESOLVED THAT the Legislative Assembly ask the Speaker to cancel Brent Fuller's press privilege immediately.

The Speaker: The Motion has been raised by the Member for North Side.

Does any Member wish to speak on this Motion?

[pause]

The Premier, Hon. W. McKeever Bush: Madam Speaker, there is no doubt that Members would be aggrieved. In fact, as the mover has said, the Speaker has very eloquently—and in a very appropriate defense—made her thoughts known here this morning, and, certainly, has already taken action.

Mr. D. Ezzard Miller: She only suspended him for five days. I want it cancelled completely.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: And so, Madam Speaker, certainly, the complaint is serious enough because the editorial did drive home the points made in the article.

In other sophisticated countries this matter would get the same treatment. If you check the records, if you check the various bodies, if you check the appropriate parameters that parliaments work in, our legislature is bound by those rules as well.

If you check Erskine May's [*Parliamentary Practice*], if you check Roberts-Wray's (who is a constitutional expert), you will find that, Madam Speaker. And when a writer decides to write that something is going to be done in secret to decide the fate of Freedom of Information and go on to say what that fate is likely to be without any proof, just so, Madam Speaker, they can do so and they have been used to doing so. Certainly, they have used the word "embarrass." And many times I feel that that is basically all that some of them seek to do, whether it is this Government or the next government, or the last government.

Now the Opposition is in favour, but they would do the same to them if they were in the Government.

I have called on the members of the press, especially the very few editors and the very few reporters . . . because, let us face it, in a community of 50,000 people we do not have, we are not overwhelmed with people who want to be reporters, I believe, or even trained to be editors. So, we have very few editors and reporters in these Islands. I have called on them to make guidelines under which they would operate, and, of course, I have been taken to task on it.

It has been said, *Oh, you are against the press*. Well, they were not saying that when I was in the Opposition and they needed to talk to me to get a story. But now because I am in Government . . . and I have always said this, check the record. This is not the first time that I have had my difficulties and my disagreements—and I call it that; I call it disagreements, Madam Speaker. But I want to say that I firmly

believe, by what I see happening . . . and I am not going to say the *Caymanian Compass*, because I say that that is the better newspaper in this country, and it has always been.

But I do believe that they have people there who want to embarrass, as well as those who are on the radio shows, as well as on the so-called Internet blogs.

Madam Speaker, when people go to the extent of taking Mugabe's residence in Zimbabwe and putting it on the Internet asking, *Whose house is this? Is it a wealthy person from Kuwait? Is this the French Riviera? No. Is this an American billionaire? No. This is the residence of the Premier—*[meaning] McKeever Bush—*of the Cayman Islands*. That goes out all over this country and then it goes to the whole world.

Now, it might be laughable for those who want to beat McKeever and to belittle me and make people think that I am some sort of dictator, because they say that. And then, that I am so evil and so crooked that all of this is what I get.

Madam Speaker, [does] it hurt? Yes, it hurts! It downright hurts when I look up there and see some of the people who I know write some of these articles. It hurts! But I try to abide . . . and I know you, Madam Speaker, are not going to allow me to belittle them. And sometimes in my Christian attitude I try . . .

Well, you know when I was born it was a lick for a lick. Where I had to grow up it was not easy. [If] you punched me you got punched back!

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: But I do not believe in that. I keep saying that, from my perspective, I am trying to bring this country to a higher level.

Can you imagine? Madam Speaker, never in my wildest imagination could I believe that the press could take and blow out of proportion because I called someone "sweetheart" or called someone "darling." Both of my grandmothers, that was their pet word and I grew up with that with one of them and the older people around me.

And then, you have people writing and the press saying, *Well, we have to publish it because somebody wrote it*. Is that why we have to publish it or is it because they want to hurt, embarrass, to point people out like they are the worst things in this world?

In this country, the Cayman Islands, we call people "cousin" and "auntie" and so on, and in the Caribbean where Bustamante turned around to the Queen's sister and said, "Darling I'm glad to have you here." The Queen's Sister! Madam Speaker, why do they not leave well enough alone and understand that there are things that happen here in this legislature that are not evil minded.

That is all part and parcel of the cultural and heritage make-up of these Islands. No, they do not want that, because if they have a gripe against you, they . . . and they are not, Madam Speaker, Christ.

They do not have that kind of heart. They want to hurt. Just as the man who wrote that letter—he is my neighbour. A peeping Tom! And because [I am] putting up a fence for security—not a wall—he would write that and say all manner of evil about me in the papers—someone whom we welcomed here and gave Caymanian status to. And they still do these kinds of things, Madam Speaker. If it hurts? Yes, it hurts! It really hurts. And so let them gloat and say we hurt him.

The truth is, when they attack this House the privileges that are given them . . . they do not study the privileges, they do not study the law, they do not study the Standing Orders good enough. They just come and laugh at you and come and sit down. And even when we are talking here, Madam Speaker, [when] the House is not in session, they report some of that. They ought to know that that should not be reported either, because it is not the House in session. And if they say so then they should not include it in a report that makes it look as though the House is in session and this was said. Things that we would give one another across the Floor, I have seen it come out in reports.

What kind of country are we building? What kind of community and society do we want to live in when all of this is happening, Madam Speaker? I posed the question before and people took it lightly. Do we know about their politics? Do we know how liberal they are, what they go for in their countries? Do we even have good police records to know whether they were peeping Toms or not?

Madam Speaker, it is Christmas and I am going to say to the Member for North Side, let us be the kind of Christians that Christ wants us . . . I think the Speaker has made the point. I do feel that Mr. Fuller knows better and that he should do better. I will not support something that goes after the *Caymanian Compass*, as such, because they really depend on their reporter. Let us face it.

[inaudible interjection]

The Premier, Hon. W. McKeeva Bush: Yes, the papers depend on the reporter. And so the Motion says that we should prosecute Brent Fuller and the *Caymanian Compass* as provided for in sections 18 and 19.

I am going to say to my friend, the Member for North Side, let us do what we say we want done. Let us show them that we are not the kind of people that they are trying to paint us.

Thank you, Madam Speaker.

The Speaker: I think I did that a little bit backwards. I think the Member for North Side should have been allowed to present his opinion first. I am going to allow him to say it now because I know he is very anxious to do so.

I apologise for that error.

The Premier, Hon. W. McKeeva Bush: You did say, Madam Speaker, if any Member wanted to speak.

The Speaker: Yes, I did. I am sorry. It was his turn first though.

Elected Member for North Side.

Mr. D. Ezzard Miller: Madam Speaker, unfortunately I cannot acquiesce to the Premier's request. Because, you see, from where I come from, Madam Speaker, I take things from a principled position. The people of North Side sent me here to do a job. I always try to do that job to the best of my ability within the rules that exist.

This is not about my generosity or the Premier's generosity, his Christian beliefs or my Christian beliefs. When the press writes anything about me individually, I leave them alone. No member of the press can ever say that I criticised what they wrote about me. But this, Madam Speaker, is about the privileges of this honourable House and respect for this House.

For somebody to write an article with the slant that indicates that he has read my mind, he has read all of the other minds of the Members of the Committee, and he knows what we are going to do, and to have put the statements that exist in that newspaper about the FOI before the public, almost places this Parliament in a position that anything it does on FOI from now on is going to be very suspect. And all we are doing, Madam Speaker, is following the rules that had been agreed by generations of politicians and by hundreds of years of British Parliamentary Procedure and procedure within the Commonwealth.

When select committees are established they are established under rules which must be followed. What we are doing, Madam Speaker, is following the rules.

In my view, there is no sense in having laws if we are not going to enforce them. I cannot, with a clear conscience, allow people to break the law, as in my view, is what they have done. And I am asking the Attorney General to take them to court and make the court decide whether they broke the law or not. But in my view, they have broken the law. And [if] I sit back here and accept that—knowing it, and doing nothing about it—I have no moral authority to speak to any person in my community, which I represent, who may be breaking the law in telling him not to do it.

So, Madam Speaker, I believe this Parliament, in addition to having the responsibility to preserve, create, increase and enhance the respect of this House by insisting that people who are privileged to come here must abide by the rules or bear the consequences that are established in law for not abiding by the rules, Madam Speaker, I have an obligation to raise it and to give this House the opportunity to allow the course of justice to take place.

All that I am asking for here are two things, Madam Speaker: that the Parliament ask the Attorney General, as provided for in the Law, to prosecute these people for breaking section 18 [of the Legislative Assembly (Immunities, Powers and Privileges)] Law and let the courts decide whether they broke the Law or not and set in place a precedent that others must follow.

Madam Speaker, I understand in your statement earlier that you suspended the privileges of the individual. I am asking that the privileges of that individual be cancelled immediately and forever and ever; and you have to enjoin the *Compass* newspaper because I do not know who the author of the editorial is. But the *Compass* itself is, as I understand it, responsible, in particular for the editorial content in the newspaper.

[inaudible interjection]

Mr. D. Ezzard Miller: So, Madam Speaker, unfortunately Parliament will have to vote on the Motion because I am not going to withdraw it.

The Speaker: Thank you, Member for North Side.

Does any other Member wish to speak?
Elected Member for East End.

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

Madam Speaker, it is unfortunate that it has come to this point in this Parliament where we have had the Member for North Side and other Members, I am sure, feel so aggrieved that the Member for North Side has had to bring a motion under Privileges.

Madam Speaker, I believe it has been said many times that freedom is not free. Along with freedom comes much responsibility. I believe it is also unfortunate that the reporters we have in this country (no disrespect to them) . . . I believe that they are very qualified. I believe that they are very good writers. However, their problem comes because they hail from a different jurisdiction where they grew up and they understand the politics there, and they understand the privileges that they are given there. And they tend to import that to our country and do not understand how far their privileges allow them here. Thus, they get themselves into trouble.

I believe, Madam Speaker, that a few sittings ago you offered certain information to all reporters to give them an understanding of what they were allowed to do, what their privileges were, particularly in this honourable House. I do not know how many took up that offer. Certainly, I would think that it would be within their professionalism to do so, if they have not already, in order that they be more knowledgeable of how they must conduct themselves here as reporters of this honourable House. Certainly, it shows their unprofessionalism if they did not do that, therefore, they will get themselves involved in issues that they may find themselves having to back paddle.

Madam Speaker, the House of Commons is very specific. A few years ago the House of Commons sanctioned a particular reporter and removed him from Parliament. A few years ago the House of Commons put a glass between the public and the Members of Parliament to prevent interference with the proceedings.

Madam Speaker, in any democracy there are certain privileges you are allowed. One of those privileges is that you are allowed to come to the Legislative Assembly as a member of the public or as the press. You are afforded that privilege. Therefore, it is necessary that you recognise how you conduct yourself. You must apprise yourself of the different responsibilities that you have. You must apprise yourself of the processes so that you do not get yourself into the problem that you discussed this morning.

Parliament is supreme, and there is nothing—nothing—above it in this country. And you must respect it! And the Speaker's responsibility, along with the Members, is to ensure that the preservation of the integrity of this House is intact. We must preserve the integrity of this House! If we do not, we are running a banana republic!

We cannot afford for people to abuse their privileges. Madam Speaker, but that is not only the press; any member of the public who comes within the premises of this honourable House. And we will know that the privileges extend even to the sidewalk—

The Speaker: That is correct.

Mr. V. Arden McLean: —right here in George Town around this House, to the perimeter of this property, right to the road.

Madam Speaker, this is a serious matter and people must recognise it. You have a responsibility as someone coming to this honourable House as a guest, as a visitor, to maintain respect. It does not matter who it is. In recent times, Madam Speaker, there have been people coming to this honourable House telling other Members about things they have heard, and there was no truth to it. They do not understand that they can be brought up under Privileges right inside here and be prosecuted, removed, and the likes.

Now, Madam Speaker, let us talk about us as Members. When I was elected 10 years ago (a month ago, 10 years ago I was elected) . . . it is a privilege! And in 10 years I have tried to respect this House to the best of my ability. Now, the Standing Orders happen to be the Bible of this honourable House where I have to conduct myself in accordance with the Standing Orders. And if it is not represented in here, then, the Standing Orders say I have to refer to Erskine May's [*Parliamentary Practice*], the practices of the House of Commons, which is the bible of parliamentary procedure.

Madam Speaker, recently I knew the consequences of my not conducting myself in the way I am

supposed to. Where else in this world can I go and have it clearly defined that if I do not do this, this is going to happen? Very few places! Well, unless I read the laws and the likes and what have you. Madam Speaker, I, as a Member of 10 years' experience, was recently asked by you to remove myself from the sitting. Madam Speaker, you were doing your job.

Now, if you, Madam Speaker, your Chair, your authority gives you that to do it to a Member who is duly elected by the people of this country, and you determined that I was conducting myself inappropriately and you asked me to leave, then it is within your authority to ask anyone else to leave.

I am elected by the people. They sent me here. Madam Speaker, I have always said that this little piece of real estate is owned by the people of East End. It just so happens that I occupy it for the time being. That is the only difference with it. Someone else will occupy this. Long before I came by here someone occupied it, and it will be here forever and a day. But whoever occupies here must understand that there are certain rules and regulations, certain privileges they are afforded to sit here.

If we do not understand that, [then] this is not the place for them. They must understand that they are going to be governed by the Chair. And when you step out of line there are consequences. You proved that three weeks ago. You ruled in your opinion that it was, and you asked me to leave. Now, if you can do that to me or any Member in this honourable House, then those who come here who are not elected need to understand they have to conduct themselves properly. If you do not conduct yourself properly there are consequences.

Madam Speaker, you have determined that this reporter . . . I have nothing against the reporter. I have absolutely nothing against the reporter! But, as I said at the beginning, freedom is not free! There is no such thing as free freedom. Somebody has to fight for it and there are consequences, there are responsibilities that go along with it that you must adhere to! I have nothing against either one of the reporters. Sometimes they write things that I do not necessarily agree with, but that is their opinion too. And once it is their opinion, then that is fine by me. But when [they] step over that line [they] must pay the price.

Madam Speaker, I stepped over it with you a few weeks ago and I paid the price! I paid the ultimate price! A price that the people of East End did not ask me to pay coming here! Any Member in here who steps over that line knows the consequence; knows they are going to pay the price. And there are people who come into this Chamber who must understand that. It does not matter who they are.

The Governor has no jurisdiction here! He comes here once a year to bring a message. This is the House of the people. And when you disrespect it, you disrespect the people. And if you are disrespecting it because you do not understand the process in here, then you need to learn! And if you have not

learned it before you are going to pay a price! Just like I did, knowingly!

There are no chances in here! If people come off of the street and disrespect Parliament, then that is the end of us. I think we take this place too lightly. And we, *Oh well, you know I know Rolston Anglin.* (Madam Speaker, I'm only calling his name just to make a point; I wouldn't say that you know) *I know Rolston Anglin, or I know Arden McLean . . .* Madam Speaker, that's true! And I am "Arden" out on the street, but when I come here I am a Representative of the people. I then become "the Elected Member for East End." [He] becomes "the Minister for Education" [or] "the Premier."

Madam Speaker, the fact that I jibe the Premier and the Ministers and the likes, and they do the same to me, is no right for anyone to think that that gives them the right to not fulfill their responsibilities in here, *ya nah!* They must understand that that is years of friendship and debate and counter-debate that we have developed over these years.

People have to understand no matter what happens, the Minister for Education and the Premier, and I will always be in Cayman. If we cannot live out there with each other, then . . . But, when we walk in here, the people have sent us here.

Why is it that they think, Madam Speaker, that the Standing orders give us the right . . . immunity? It is for us to be able to express ourselves on behalf of the people. That is why! But it does not give anybody else any privilege of that nature. And if you want to get it, walk the walk! You cannot come from there and come here. There is a process. And you have to walk the walk! In order for them to come here the people have to respect it.

Madam Speaker, just after the general election in 2009 I received a call from a reporter concerned about my buying an SUV during my tenure as the Minister for the Ministry. The Premier was then at that time being driven in it and they wanted to know what my opinion was with the Premier being driven. The said reporter was from the great United States of America. I calmly asked him where he was from, and he proudly explained that he was from the great America. I said, "Oh? That's strange."

He said, "What's strange about that?"

I said, "Well, didn't you just elect Obama?"

He said that he wasn't responsible for it, but "Yeah." So, I said, "What unna got him being driven in? A horse-drawn cart owa?" I said, "Find something better to do!"

That is the kind of disrespect we have for this Parliament! It is not only from Caymanians, it is from everybody. Because they know you on the street they think they can disrespect you once you come here! They need to stop it!

Now, I saw a documentary recently and they called Obama's car 'the Beast.' [There is] so much armour on it and oxygen in there for him, and gas tanks that cannot explode, and tyres that do not go

flat. And our Premier is driving in one little old SUV and they are talking about that. Come on, you are protecting him! Then, they get on this thing at West Bay about security around his house. You know?

Anyway, we really need . . . Madam Speaker, this country will get no better until we respect that there are certain privileges afforded to the process wherein the people, rightly or wrongly, whether they get . . . If it was left to me, no one in the UDP would have gotten elected, you know. But that is the people's choice. We have to respect that.

They have now the mandate to run this country! That is not to say I cannot question them. But I have to do it with respect too. I have certain responsibilities too. But others need to understand what their responsibility is, Madam Speaker. Using a term that the Premier likes to use: "You can't just flog people" because you don't like the Freedom of Information.

The Law is very specific. It says, "A committee of this Legislature." Now, look at the process in the Legislature. The Committee decided to do a sub-committee to do the research. What do they want? And if the Freedom of Information Commissioner wants to be chairperson of that, then she needs to go out to the people in this country and ask them to elect her to come in here!

She has no authority in here! She can be called as a resource person and submit her opinion. She has no authority in here. None! She, and all else, must get that straight in their heads. Go and get elected! Or move me and get there! That's the only way you are going to do it because I'm here for the next two years. If you want to be a part of this grand scheme to develop this country and do it from the top, get elected through the democratic process! Or you are hired to assist.

[Where do we] come up with that? Where are we getting all of these things from? And you know I am going to be flogged in the next newspaper. I reckon it worries me now!

I have nothing to worry about except the people of this country to ensure I represent them properly. And if we are following the processes in here that have been written through conventions and otherwise for thousands of years, then people need to learn them too. All of us need to learn them. Wait until the process reaches you whereby you can comment on it in such derogatory manner.

This is not a bashing of the newspaper. This is telling them what their responsibilities are, Madam Speaker, when it comes to Parliament. And if they cannot appreciate that, then, they are going to say that I am trying to erode democracy too. That is democracy! Knowing what your responsibilities are. And since you have encroached, then you must apologise or you must pay the price. I had to do it!

I can tell you what; in May 2013 I will pay the price again if I encroach on the people of East End. Do you think they do not know how to handle me or anybody in here, the people of the country? That is

the responsibility we have to face. But now everybody does everything. And I am not going to get into the thing about the blogs and stuff, Madam Speaker, that is the people's business, that is their opinion. I do not need to get into that. People have a right to have an opinion. But your opinion must be factual when it comes to the processes in this Parliament. It is wrong!

I saw one blog recently about East End is not pretty anyway, so if it was pretty it would have had something there in my opposition to the dock. I did not want to sabre-rattle with that individual, you know. But you know the type of people who would say that. You have to respect people. You cannot be condescending. And that is what that represented.

More importantly, what is being done about this FOI, which you spoke of this morning, Madam Speaker, from your chair, is condescending. And it sends the message to the people of the country that we are in here under some cloak of secrecy trying to do something to them. I was one of the people [who helped] to get the Freedom of Information Act enacted. I was a Member of Cabinet. I supported it. And I am not going to sit here in this Parliament and allow a sub-committee to come back here with recommendations that need to go into that Law which are going to hamper the Freedom of Information.

It is the opportunity for civil society to get involved with their Government. And it is the opportunity for civil society to keep them in check, other than the Opposition too. It broadens that check and balance to civil society. That is what the Freedom of Information does, in essence, for our country. And you think whether as Leader of the Opposition, Premier, or not, I am going to sit here and let them short change the people of this country by [making] recommendations to curtail that Law? No, they are not! Because I can speak as long and as well as they can! And we are not going to talk about loud.

But no . . . the impression is being given that all of us are trying to do something untoward in this country to reduce the freedom of the press. I will never condone the freedom of the press being curtailed. I am not going to do it. But with every freedom they need to understand what their responsibilities are. And if they do not, they must pay the price! I have had to pay it all my life for my mistakes. And I hope they use those as I have done—as stepping stones. Any time you get a kick in your butt it is a step forward. You got to go forward if you are being kicked from behind!

Madam Speaker, we make mistakes. Now he may come back and say this was a mistake, that's fine. Let's apologise. You asked for that. There are consequences for every action. My appeal to the press is be informed.

Madam Speaker, many times the Standing Orders have intervened here as to whether or not we are doing it the right way. I have had to read them. The Third elected Member for West Bay and I, nights upon nights we have travelled all over the place trying

to understand how we can better develop our Parliament and modernise our Parliament on the Standing Orders. But we are doing that to control us, those who come behind us and all others too. And it is not to stop anyone from being here; it is about having control and responsibilities and privileges. That is what it is about. You cannot come into Parliament anywhere in the world and say what you want and do what you want.

Madam Speaker, you just happen to occupy that Chair, looking at me with ears wide open. And if I say one word out of the way you are going to jump all over me. And that is your job—to keep control! But it's only to us? Oh no! Oh no, Madam Speaker. I am not trying to remind you of your job, but you have other responsibilities too. Not only to me! Not only to ask me to leave. You have to control the others too to ensure that decorum is conducted in here [and] is maintained. That is what this is about.

They will soon have Parliament under a Grape Tree and everybody joining in! That is how it was done 3,000 years ago. We have evolved and anyone who does not believe it, study it.

I will bet you, Madam Speaker, there is not one reporter in America [who can] go up into the White House or up in the Congress or the House of Representatives and get out of the way. They sanctioned some of their Members the other day [for] yelling at the President. What are we? Must no respect be shown to the people who occupy this Parliament? Of course, Madam Speaker, there must be.

Madam Speaker, I go to see the Governor and I call him "sir"—and he is plenty younger than me too. But it is respect for the position. I do not need respect as Arden McLean, Madam Speaker. I just said that. If you see me on the street [it's] "Arden." When I come here, I am the Representative of the people. You have to draw the line.

And if you are trying to tell the people that I am doing something untoward in the written media, you have to be very careful. You see what can happen to you? Any Member can do what the Member for North Side did—the *only* elected Member for North Side, Madam Speaker (he likes to be called). Well, I can say the only one from East End too. And I think it is time that we get that going too—single Member constituencies. And, Madam Speaker, I am just going . . .

The Speaker: [Inaudible]

Mr. V. Arden McLean: But, Madam Speaker, any Member can bring a motion under "Privilege."

I recall the Minister for Education (being Chairman of the Public Accounts Committee) and I as a member, and the Third Elected Member for West Bay (I believe was a member at the time too), and my good friend, the Second Elected Member for Bodden Town. And we summoned a particular lawyer and he decided that he was not coming. Wrong move! I brought a motion of contempt of Parliament on him.

But, of course, my good friend here asked me to give him a little chance, he and the Third Elected Member for West Bay.

As a result of their intervention, we backed off of it and gave him another chance to come. The staff told him that the contempt of Parliament motion was on the table. And he came and said he did not know that he could be charged in contempt of Parliament. Yes!

Hello! I hope he knows contempt of Parliament works. If it does not reach the Floor he will stay up in prison. You got to be tried just so. And I told him I was disappointed. At the time, the most prominent lawyer in this country. And my two colleagues here will remember. At the time the most prominent lawyer in this country! And he had to apologise to PAC. That is how powerful this House is. And those who do not believe it, try it, challenge it.

It has nothing to do with me as Arden McLean, Madam Speaker. It has to do with the positions and what this House represents. Its 50,000 people represented in here. It is not 15 people. We are but vehicles to do the bidding and the wishes and the needs of 50,000 people. You think that is not an awesome responsibility? You think that is not a responsibility that carries with it certain privileges? You think that is not a responsibility that carries with it certain consequences for your misbehaviour? Of course, it is.

The people have given the Speaker's Chair the responsibility to mete out discipline. That is what the people have done. Every time we do a law here it is the people who speak—not me! It is the people of this country, and you cannot disrespect them. This is their House. This is probably the only thing they can call their own.

You dare not disrespect it because you do not like one of the Members in here! You dare not do that! Because I can tell you what, I have never been in any secret society, but I can guarantee you that every Member in here will run to the aide of that one Member. Do not think you are getting away with it. Those are the things that happen in Parliament. They are not going to make you get away with it. Somebody needs some lessons in parliamentary procedures and privileges and immunities. Yes! People really need to understand that, Madam Speaker. And this is good opportunity for me to say what I have to say. They really need to understand that.

Look at me—the next morning after I was asked by your good self to remove myself, the next morning I came back to work. That was for that time. That is what I had to subject myself to, Madam Speaker. But nobody else has to do so. Of course, anyway, I am governed in here. Then, anyone else stepping onto that sidewalk . . . I want them to understand—I want to put emphasis on that "*ON THE SIDEWALK*"—they fall under the Privileges Law of this Parliament. Anyone stepping on that sidewalk out there; anyone driving through that gate must be gov-

erned by the rules, the Standing Orders of this honourable House.

They must understand that. People have to understand that and they have to be respectful. They have to do their research; understand how it works and do not put any emotion in this thing. Whatever emotions the reporters have, they have to leave them outside.

Sometimes, Madam Speaker, I want to cry in here too. Sometimes I want to jump up, I want to express myself much stronger, or whatever. But sometimes I have to keep in check too or you are going to check me out. Madam Speaker, that is what this is about. People have to understand that and I have the utmost respect for these reporters. Write and write good—just understand the processes.

There is no such thing as secrecy this thing is going through. It is in its sub-committee that will report back to the main Committee that will then decide what goes into law, and that is when the reporters will get it. That is how it works.

You know, many people come from America and they see the open committees or whatever they are. Under the Westminster system it is a little different, but it still must come here to form law. [It] must come in here! Nobody can do it in secret. They can meet wherever and do research and recommend. Are we to say that the Standing Orders Committee, which is made up of the whole House . . . and the Third Elected Member for West Bay and I, during our time, for years we were working on it. Was that a secret? But that was to govern us. So all of a sudden nobody noticed it. But he and I were all over the place—Canada and the likes.

We were in secret then too? No, we were doing the research. But he and I cannot make any laws nor can we change the Standing Orders. It must come back to the Floor of this Parliament. Parliament is supreme. This is where the buck stops—in here. He and I may come in here and defend our actions and our recommendations, but if the rest of the Members do not agree with it, it does not go any place. Likewise, you know . . .

Madam Speaker, one of the things we did, the Third Elected Member for West Bay wanted to introduce computers on the desks. I went to gather . . . and he and I were working on this Standing Order. I went and solicited help from the other Members not to do it. The only one I could get was the current Premier. But I went and campaigned against it to all the other Members. But he respected that. He was campaigning for it too, and he won me over. A lot of them voted with him. But that is what it is about. Madam Speaker, there are certain things that must never cross that line.

Mr. Warren Connolly, who we know was a long-time politician, told me one time that Parliament is like walking on thin ice. If you hear the cracks, back up, because underneath it is nothing but cold water. That is what Parliament is about. I did not back-up the

other day, Madam Speaker, and you threw me right under the cold water. You broke it open for me. That is what Parliament is about. Parliament is like thin ice—if you hear the cracks, start backing up. Find another route.

Madam Speaker, I encourage the reporters to come here. I encourage them to report on what happens here. I encourage them to ask questions if they do not understand. Do not report if you do not understand the processes. I believe that is fair. I believe that is professional. I think it is reasonable. Just ask! All the Members here will gladly give the information on it, and it will broaden your knowledge of these things and it can only make you a better reporter. Do not put emotions in this. Take the emotions away from that.

Madam Speaker, I think I have said enough for this one day. I would also encourage all others who come here—not only the press, the civil servants, the invited guests, the visitors—to understand that they need to be circumspect.

You know, they have a slogan in California, I think it is some saying or something about “What goes on here stays here,” or “what you see here stays here,” or something like that, in Vegas. That is how Parliament is. All those who walk through the hallowed halls, through those passageways, and have the privilege of joining Members in the dining room and the common room where we get the opportunity to be *us*—it must stay there. It is not for public consumption.

That is why the privileges extend to the sidewalk. Anything said in jest, other than on these microphones, should not be for public record. That is not to say the committees and meetings and the likes, that is a different thing altogether. But anything said in jest here amongst Members is not for public consumption.

Madam Speaker, that is our only means of camaraderie and speaking freely to each other. And we have a culture too. Do you know how many times the Premier reminds me of that? Or I remind the Third Elected Member for West Bay? But I never do it here. We discuss issues here. You would be frightened to hear what I tell him outside of here about him and his father, and how well I loved his father. But, Madam Speaker, that is our thing. In here we do not do it. Everybody else must be controlled accordingly.

Madam Speaker, I thank you for bringing it to the attention of the wider public. I also thank the Member for North Side for bringing it here. It is a serious matter and I encourage again—I repeat myself, Madam Speaker—I encourage the press to be very careful with what they do.

Do not hold it against the Members of this honourable House. It has been done numerous times all over the world. It is a bigger man or woman to apologise and say *I made mistakes*. Serious things can happen to anyone who encroaches on the privileges of this honourable House or any parliament for that matter. And I know that nobody wants to be looking at stripe and stars every night.

Madam Speaker, I thank you.

The Speaker: Thank you, Member for East End.

I think this is a good time to take the lunch break. Some of us have gone out and returned looking refreshed, and I think the others are sagging.

We will take the lunch break at this time and continue debate after the lunch break. Two-thirty, please.

Proceedings suspended at 1.08 pm

Proceedings resumed at 3.10 pm

The Speaker: Proceedings are resumed.

Please be seated.

When we took the lunch break we were in the midst of debating the Privilege Motion brought by the Member for North Side.

Does any other Member wish to speak thereon? [pause] Does any other Member wish to speak?

[Honourable] Minister of Education.

Hon. Rolston M. Anglin: Thank you, Madam Speaker.

Madam Speaker, I must say that in my few years here at the Legislative Assembly I do not believe we have had (but certainly if it has occurred it has not happened often) the occasion to debate a motion being brought under these provisions of the Standing Orders.

Madam Speaker, as I listened carefully to the mover of the Motion and the Elected Member for East End, I reflected upon the conditions that apply as it relates to the interaction of the Speaker and Members, the press and Members, and, generally, the public and Members. I think it is fair to say that over our very short experience in this form of parliamentary democracy, collectively we have slacked off and made a condition to exist that ought not to have ever existed in the House of Assembly.

We have not adequately brought along the public. We have not adequately ensured that there be true standards and reverence paid to this House of Assembly. I would dare say that over the years we (and when I say "we" I mean we as a Caymanian society) have collectively allowed the state of affairs to get to the point at which we find them.

The fact of the matter is, Madam Speaker, we as Members have been way too casual and laidback as it relates to our House of Assembly. But, Madam Speaker, that should not surprise us. I have said this many times, and I will say it again today, the membership of a House has got to be reflective of the society from which we come, for we are integral parts of that society. How are we going to be so much different than the society? And so, as a society, Madam Speaker, we have been way too laidback about small (in some people's eyes), but very important, things.

Madam Speaker, I recall a few years ago when a Speaker called members of the public in this honourable House "strangers." That made the headlines of the news. Oh, that was all over the place. That was the flavour of the week. That was talked about. When in fact, Madam Speaker, it comes straight from the [Standing] Orders and Erskine May.

I recall, surrounding that episode, some people wrote a song about the Speaker at the time. Yet we as Members failed to act. That too, in my humble submission, should have been subject to a motion under the same Standing Orders.

I do believe, though, that it is never too late to make wrongs right. I hope that this Motion will serve as a focal point for us as the current Members—the class of 2009 to 2013—of this Legislative Assembly. I hope it will focus our attention on something that is very important, and that is that we ought to unabashedly and unashamedly demand respect for our House of Assembly. We only have one. We have one National House of Assembly and yet we back down and do not insist that the entire public pay the respect that this House is due. Not the Members, not you individually, Madam Speaker, but the House—the seats that this represents; your seat as Speaker, the seat at the Clerk's table, the seat of the Serjeant-at-arms—all critical pieces of what should be held up with the greatest of national pride in the Cayman Islands, our House of Assembly.

I am never more frustrated, Madam Speaker (and my colleagues in Cabinet will know this), when I see all of these different variations of our Coat-of-Arms floating about the place. How do we ultimately expect to have a society that remains orderly if there isn't something that is common to all, something that is held up in honour by all, and that we all defend and insist must be respected and held as the ultimate authority in our land and held up as the institution around which everyone's heart should skip a beat?

Look around the world at how many people struggle to have free and fair elections, who struggle to have any semblance of order in their societies and communities, who struggle to have a voice for children, for women, for the disabled. Yes, we went through those struggles too. But, thank God, we have come a long way. Ultimately, Madam Speaker, we as the current sitting Members, and every person in the future who passes through these hallowed Chambers, should first and foremost demand respect and defend the name, integrity and the institution of our House of Assembly.

Madam Speaker, I am not going to go into a lesson on parliamentary democracy. I believe we all clearly understand those core principles upon which the elected arm of this House is built. But, Madam Speaker, I think it should be important for us to reflect briefly on the way in which Members of this House interact with the general public. Madam Speaker, we have made some baby steps at trying to build some

recognition in the community about Government and how it works. But we have a long way to go.

I believe, Madam Speaker, that we ought to also reflect on the way in which people interact with elected Members here or outside these Chambers. In most societies that recognise their House of Assembly, whether it be a Legislative Council, whether it be a Parliament, or, as in our case, a Legislative Assembly, the general public is well versed. They might not be in all the intricate details about how the House works and how the Standing Orders work, but they clearly recognise and revere their House and the fact that they have the privilege of sending the Members to that House, and by the community doing that, all and sundry follow the lead.

But, Madam Speaker, when you have a society that is built upon the fact that the general populace will accept persons who write and report about us, referring to our honourable Premier as “Mac,” “McKeeva,” “McKeeva Bush,” will report on the Leader of the Opposition as “Kurt,” yet, our people do not even recognise the great disrespect that that paints of our Caymanian institutions . . . what is quite ironic is that our people expect persons who come here to work with us to have all this respect for Cayman. *Oh yes, when you come here you have to respect Cayman. You have to do this, do that!* But, Madam Speaker, if we are not going to demand that people respect our Legislative Assembly, its membership, then how is it that we are going to truly expect people to respect Caymanian society more widely and generally?

And this is not the first time that we have had this discussion in this Legislative Assembly. It simply comes . . . and I know it happened many a time before I got here as well, but days like today bring it into focus.

Madam Speaker, I have a recommendation to offer up to your Office, and that is that you develop a very simple pamphlet that embodies basic respect and protocol for this House—the ways in which Members should be addressed when in public; the ways in which the press should address Members. I cringe when I hear reporters at a break of business in this House leaning over and whispering, “Mac,” “Kurt,” “Arden.” If someone has a relationship that is close with another person, whether it be a reporter or not, and they want to interact that way in private, that is fine. That is the general protocol in every country.

Certainly, Madam Speaker, I am confident that reporters in this Legislative Assembly, if they were given the privilege to report in their home country’s parliaments, would not be referring to members and leaders, whether they be frontbench opposition or frontbench government members, so casually by their first names. Again, we have allowed it to happen as a society, but, more pointedly, as Members of this House.

We are the front line and we have to accept that. We are the front line that represents the public of

this country? These seats are theirs. We simply have a process called a general election where they select who of their peers will have the honour and privilege to sit in these 15 seats for a period of approximately four years.

So, Madam Speaker, I believe that all Members of this House would strongly endorse and support any initiatives that your high Office would take the lead on. I believe it is appropriate for your Office to do it because your Office presides over this Legislative Assembly.

I must say that we, as Members . . . while Government is very busy, elected Members have busy lives, period. And we have a small House, 15 elected. We do need to put some focus back on amending our Standing Orders and also getting back to that whole discussion about the autonomy of this House.

Note, Madam Speaker, note that I have refrained from using the term “the people’s House.” In my opinion, it would only become the people’s House when it is an autonomous Legislative Assembly with no one interfering in its budget, et cetera, that we as elected Members simply vote the funds and you as Speaker, and the Clerk as the Chief Administrative Officer, run the Legislative Assembly. That is when it will become the people’s House. It cannot be the people’s House when you and your staff report directly to a Deputy Governor who is a civil servant appointed by the Governor. Cannot be! Cannot be the people’s House, until then.

So, Madam Speaker, I will sum up by challenging all of us as Members of this Legislative Assembly, to remember in our day-to-day activities to hold our office up and not allow it to be dragged down through the mud. When we do that we are letting our people down. Our first step in leadership should be to uphold the seat that the people have bestowed upon us for four years; right behind and alongside that should be making wise decisions on behalf of those same people.

We must also encourage, promote you, Madam Speaker, to take on a more prominent role in our system of parliamentary democracy. And that should be the case whether our Speaker is an elected or a non-elected Speaker. It makes no difference. Because once an elected Member vacates a seat on either side of this aisle and takes up that seat of Speakership, he or she is a Speaker.

We should, Madam Speaker, also ensure that in our busy schedules we take the time to spread the word about our system or parliamentary democracy.

I am also committed to taking another fresh look at what it is that we are doing in our schools and in our education system so that everything that can possibly be done to pass on deep knowledge about how our country works and the fact that this Legislative Assembly is not some mystical place where people disappear, but that the Legislative Assembly is the House that belongs to the people [be done].

This Motion, Madam Speaker, I believe to be a motion of merit that should be supported by the membership of this House. [It is] easy to shy away and say, *Well, the Compass is a big newspaper*. I certainly hope that the *Caymanian Compass* will reflect on this Motion, make internal changes themselves and perhaps, Madam Speaker, apologise to you and the House, and perhaps approach you and try to ensure that knowledge is spread about what the Legislative Assembly is and what it means, what its authority is, how far-reaching its authority ultimately is, and the reason that is good and proper in a democratic society.

Just as they have had the little snippets about 'Know your Labour Law,' for a long time, I have said that we should have one in regard to 'Know your Constitution.' Perhaps another one they could come up with is 'Know your Assembly,' if they really want to be partners in this community for progress.

So, Madam Speaker, whilst this Motion is probably taking up a lot more time than we anticipated when we were coming here as Government . . . I think we thought we would be gone by now. I believe that it is a motion that all of us ought to support.

I thank you, Madam Speaker.

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

Honourable Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, I will understandably stay away from the main thrust of the Motion itself. But I would like to make some general observations on the wider issues.

I think what has transpired here today is sort of a microcosm of what happens in a larger society where there seems to be a departure, in some sense, from what we would call values and attitudes within our society. And, as far as the press is concerned, I am not here to criticise them. They are doing their job and we are doing ours. But I would invite them, Madam Speaker—I put it no higher than that—to grasp the opportunity to do some sort of an introspection, to look at themselves to see whether the time is ripe for some sort of rules of engagement under which they operate; some sort of a code of conduct that governs the operation of the press.

I do not think they should wait until Government attempts to regulate them. Lawyers are regulated, accountants are regulated, and the medical profession is regulated. We all have rules of engagement that we abide by. And so, when a member of the public complains about our conduct, our standards, our behaviour is measured against the rules of engagement, the code of conduct by which we are governed to determine whether we transgress or not.

I think that if you look at what is happening here today, whenever Members of this Legislative Assembly—

[Loud electronic interference]

The Speaker: Check your phones please and turn them off. I want to hear the debate.

Hon. Samuel W. Bulgin: Whenever Members of the Legislative Assembly transgress the Standing Orders—

[inaudible interjection]

Hon. Samuel W. Bulgin: Whenever Members of the Legislative Assembly transgress, or the Assembly itself as a body transgress the Standing Orders, the press, quite properly, call us out on that. That is quite in order. But in the same way that they have been able to quite properly point to the rules, the code of conduct which governs the operations of this House, it is only appropriate that those who report on those transgressions can, if they themselves transgress, have some sort of a body where members of the public can complain, an aggrieved public can complain, and say, *Well, we think that we have been wronged by the media*, and they can look or point the public to those rules and say, *Well, we think we operated within the rules of conduct*. But as it is now, there is nothing, absolutely nothing for anybody to point to!

So, it is probably high time for them to meet, confirm on themselves, and say, *Can we form a press association or a media association of the Cayman Islands?* And come up with some rules, some code of conduct, a constitution that will govern [their] operation in a self-regulatory way. And I think that would lend a lot of confidence into what they are doing. I think it would assist them in being able to say, *Based on—*

[Loud electronic interference]

Hon. Samuel W. Bulgin: —*based on these rules of conduct we think we are within the rules or the bounds of fairness, balance and accuracy*, and so on.

It is not okay. It cannot be right for the only option available, to those who think the press has transgressed, is what we call the nuclear option—you have to go and file suit for defamation, or you have to, as has been advocated, prosecute. Those are extremes. I think if there are rules of engagement that govern the operation they themselves can come up with regulatory standards and deal with some of these issues and avoid some of the uncertainty that governs the operation.

So, I leave it ouster, Madam Speaker. That is something that they might just want to consider in the current climate and going forward. It is not a reflection on them, it happens in the larger societies. In the UK,

if the BBC (British Broadcasting Corporation) transgress and there is a complaint, there is a standard against which BBC is judged. And, if they are found wanting, they apologise or the appropriate remedial measure is taken—same thing in the United States and in other countries. So, they really would just be replicating what happens elsewhere. And I would certainly, strongly commend the observation to offerings in the media.

Thank you.

The Speaker: Thank you, Honourable Second Official Member.

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

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

Madam Speaker, I view it as unfortunate that the House should have to deal with this particular matter of an offence against its privileges today. I wish to start first, Madam Speaker, by commending you for both the content the tenor and tone of the statement you read. And I should say, quite frankly, that I thought your actions had satisfactorily addressed this issue, both in terms of—

[inaudible interjection]

The Speaker: Order please!

Mr. Alden M. McLaughlin, Jr.: —both in terms of expressing the displeasure of the House and concerns about the article, in particular, the editorial in the *Compass* yesterday, and also in terms of meting out what I consider to be a fair punishment in relation to the matter.

Madam Speaker, I am loath to go against my friend, the Elected Member for North Side's Motion. But I say, Madam Speaker, as diplomatically as I can, that I believe that a call to prosecute the *Compass* and Brent Fuller for this matter is a bit over the top. I think it is calling for much more in terms of a first breach or a first offence than I think is necessary or appropriate.

Madam Speaker, this is always a difficult area. There is always a tension between the Government and, indeed, the Legislature and the media. And all of us from time to time—in fact, far more regularly than any of us would like—feel that an approach to an article is unfair or unbalanced, or whatever. Any of us who have been in Government, and those of us who have been in the Opposition, as well (and just about everybody in here has been one place or the other from time to time), know this.

I have learned, Madam Speaker, the hard way, I should say, most of the time to just keep my tongue about these things because you really cannot ever win in taking on the media, except when you do it on the basis that they have gotten the facts wrong.

There is no such thing as an objective press, even though it is often touted by those who are involved with the press that that is what they are, that they are just putting out the unvarnished truth. But everybody has an agenda. That is just the way it is, and it is a reality which we all have to accept. But there are lines within which you have to operate, and lines which ought not to be crossed. And while editorials are, by their nature, the opinion of the media house, and they are entitled to say whatever their opinion is, as I said, there are lines which ought not to be crossed.

I have to say, Madam Speaker, I know Brent Fuller fairly well. I consider him a good reporter. I consider him a decent presenter of the facts.

[inaudible interjections]

Mr. Alden M. McLaughlin, Jr.: Now, Madam Speaker, not everyone in this House agrees with me, and perhaps those who have not spoken can get up and say what they think. This is what I think. And if I cannot express that in this House, then, I am not sure where else I can!

The Speaker: That is your privilege, honourable Member.

Mr. Alden M. McLaughlin, Jr.: Yes, Madam Speaker.

And you know, Madam Speaker, I am going to defend that to the end whether—

[inaudible interjection and laughter]

Mr. Alden M. McLaughlin, Jr.: Yes, Madam Speaker, I did not mean—

The Speaker: Let's let the Member make his presentation.

Mr. Alden M. McLaughlin, Jr.: Yes, Madam Speaker.

The Speaker: I want to hear everybody's views on this. Thank you.

Mr. Alden M. McLaughlin, Jr.: I did not mean to ruffle the Premier's feathers.

The Premier, Hon. W. McKeever Bush: [Inaudible]

The Speaker: Okay, please do not exchange across the Floor.

Third Elected Member for George Town, please continue, and everybody else, please give him the Floor.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

[inaudible interjection and laughter]

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

But, Madam Speaker, we have . . . or I should say the House . . . and, indeed, your statement appears to attribute the editorial to Mr. Fuller. I do not know whether that is the case or not. But, certainly, the article which bore his byline has to be accepted as having been written by him.

But, Madam Speaker, we have to be careful as Members in this House, even when we are upset, or in some cases outraged by these things, that we do not run the risk of overreacting and creating the impression that somehow this House is intent upon censoring or intimidating the media, and keeping them from doing their job.

Madam Speaker, as I said, I believe that the way that you handled this matter, both in terms of what you said about the background to it and the privileges of the House and democracy and so forth, and the actual punishment you meted out, is adequate, is appropriate to deal with the offence. And I think it will be a mistake for this House to go down the road resolving to have the Attorney General prosecute Mr. Fuller or the *Caymanian Compass*, or both. I think that is, as I said, Madam Speaker—

[Loud electronic interference]

The Speaker: Please put the cell phones . . . Sorry, Third Elected Member for George Town.

Please put the cell phones away. When you hear that noise, what is being said by the Member is not being recorded. Please put the cell phones away. Turn them off. Thank you.

Member for George Town, please continue.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, if that has not been recorded I had better repeat it as best I can.

An Hon. Member: Oh no, no, no.

Mr. Alden M. McLaughlin, Jr.: Where should I start from?

But, Madam Speaker, as I said, seriously, I do believe that we would be going too far in relation to this particular offence to seek to have the Attorney General, the Honourable Second Official Member, prosecute either the *Compass* or Mr. Fuller for this article. Obviously, Madam Speaker, if this was something that happened on a regular basis, or if what you have said and what Members have said is treated with impunity, then I would take a different view. But I think the message has been sent. It has been sent clearly with the displeasure of you, Madam Speaker, the displeasure of Members of the House in relation to this matter.

The suspension of privileges of Mr. Fuller for today and the balance of this week, and the requirement that he apologise, I think is more than adequate. Or, I should not say more than adequate, is adequate to address what I do not think any of us can accept as being other than an unprovoked and unfair attack on the integrity of Members of the House as set out in the editorial in particular.

Madam Speaker, if more criticism is necessary I think that a lot of that criticism ought to be directed at the editorial stance of the *Compass* in relation to this particular issue. Because it is there, it is in that article, that editorial, that I really saw that there was complete disdain, really, for Members of the House and for the process of the House, much more so than the article.

As I said, Madam Speaker, I believe the message has been sent. How the message is received is yet to be seen. And no doubt over the course of the next few days we will see how all of that plays out and how that is dealt with by the *Compass*. But I would urge Members of this House to really think carefully before we go down the road of resolving that a prosecution or prosecutions be brought against Mr. Fuller or the *Compass* in these particular circumstances.

I think, Madam Speaker, that that is really all I want to say about this matter.

The Speaker: Thank you honourable Third Elected Member [for George Town].

Does any other Member wish to speak? Does any other Member wish to speak?

Fourth Elected Member for George Town.

Mr. Ellio A. Solomon: Thank you, Madam Speaker.

Madam Speaker, I definitely will not take too long or too much time. I thank you for the opportunity to make a short contribution to this discussion.

Madam Speaker, if I could start, I would like to state right up front that I think it is perhaps very few of us, if any, that [will not have] an understanding in terms of the spirit and intention of the Motion that is being brought by the Member for North Side. I believe definitely in terms of all the persons who have spoken so far, that that is understood. I think obviously it will be decided very soon if persons necessarily believe that the actual RESOLVE section is the position to take or not. But I believe the spirit and intention, Madam Speaker, is understood.

Madam Speaker, I believe that my circumstances at the time allow me a good unique position because today, and perhaps arguably for the last 18 months, I have stood as a Member of the Legislative Assembly elected by the people of George Town to represent them. But also, Madam Speaker, for quite some time I was also involved with the press as well. At least two and a half years of my life, the last two and a half years prior to entering Parliament, Madam Speaker, I spent a significant degree of time on the talk show. And some may have forgotten as well, but

at least I believe in July 2001 I was the owner and the person who started caypolitics.com. And So, Madam Speaker, I believe that hopefully that allows me to see both sides of the coin.

Madam Speaker, in the normal analogy with the positions that I take, all of us in one way, shape or another feel a different part of an animal and we describe what we feel. But, luckily, Madam Speaker, I think having played both roles I have an understanding, I believe, of those persons who sit in the gallery, who record what happens in this honourable House, and I also have a good understanding of what it is to sit in the Chamber.

So, Madam Speaker, let me start by saying that I think that I had an opportunity to have a discussion with one of my press colleagues some time ago and I believe it is important that when we look at this Motion, Madam Speaker, we cannot underestimate. Therefore it cannot be underscored enough how important it is. And I focus now, first and foremost on the press, and how important it is for the press to do their job and to do that job responsibly, Madam Speaker.

I even tell my ex-colleague who sits on the talk show that you have a tremendous responsibility and to whom much is given, much is expected. And so, Madam Speaker, it is with that, that I believe that part of the call is in terms of all of us to look at ourselves. The honourable Attorney General mentioned earlier on, when he talked about looking at ourselves in terms of what changes we have to make as Members of Parliament, and at the same time, Madam Speaker, for the press to be looking at themselves.

Because, Madam Speaker, speaking from the position of having been in the press and being in Parliament, I cannot understand how you have persons on a daily basis who are supposedly going to be reporting the news, reporting the facts, and some of those persons, Madam Speaker, never even graced us with their presence in the Parliament. Never here! But, on a daily basis, Madam Speaker, they can speak to lengths about what the situation is.

I can tell you, for example, [that] when I had caypolitics.com, I attended just about every press briefing. Every event that took place I was there. When I was on the talk show I did the same thing. I attended press briefings—probably not to the liking of all but I attended them. I heard what they had to say and went off and provided facts and commentary on that information. But, Madam Speaker, today I continue to see persons never come to the Legislative Assembly, very rarely, if any, come to press briefings, but on a daily basis they are supposedly disseminating the facts and giving commentary and opinions on it. You can actually hear them, Madam Speaker, saying, *Well, I don't know what the circumstances are, I don't know the facts, but here are my thoughts on it.*

The Premier, Hon. W. McKeeva Bush: Yep.

[laughter]

Mr. Ellio A. Solomon: Madam Speaker, that is irresponsible.

When someone has the microphone, and when someone has the pen . . . and, as one of my colleagues mentioned earlier on, just because you have a pen does not make you a journalist. Madam Speaker, it is a tremendous responsibility.

Madam Speaker, I thank the Member for North Side for bringing this Motion because it gives us an opportunity to address it on the Floor of this House. Because this public discourse, Madam Speaker, hopefully, will deal in terms of all parties, Madam Speaker—the Members of this honourable House, the Members of the press and the Members of the public, all of us—taking a view of introspection and to say let us look at the man in the mirror and ask how we can do things differently. And, Madam Speaker, that comes for all of us.

So again, how someone can say, *I'm disseminating the facts*, and they are not privy to the facts, they haven't been provided it, Madam Speaker, how they can disseminate it and, even more so, how they can provide commentary on it, Madam Speaker, is beyond me. Even some of the members now sitting in the gallery, Madam Speaker . . . I have been in here 18 months and I have seen articles published about myself, whether it is on a committee, whether it is something I am doing . . . and the press is so wonderful, they can even tell you what you are going to do. And, Madam Speaker, not even so much as a call for a comment.

How do you write an article about the chairman of a committee or anything else in terms of their responsibilities . . . you have written a full story, Madam Speaker, and not even given the Member a call? And you are going to say that that is both sides? Madam Speaker, to me that is not both sides.

Now, I heard the Third Elected Member for George Town talk about the fact that perhaps arguably there is no neutral, if you like, member of the press. I wish to draw the distinction, Madam Speaker. You can say you are independent, but it does not always mean that you are neutral; there is a difference with being independent and being neutral. But, Madam Speaker, if it is even from the position of debate to say that you have some form of agenda, I would like to hope that even in so doing you would gather the information from the Member before you attack him or her.

So, Madam Speaker, without a doubt, this is an opportunity. And, again, starting with the press, this is an obligation for the press to really have a look at what it is that they are doing.

Madam Speaker, I continue to question and ask what it is that we are doing as a country. And, Madam Speaker, if anyone in this honourable House is attacked by the press in terms of something (I wish to make it clear) that he or she has done, they have moved something from X position to Y position, and

we do not agree with it, it should have gone somewhere else . . . Madam Speaker, we may not like that but that is something the press has an obligation to do—to point out those things, to be the one who runs to the public and says there is a fire, there is something wrong. That is the obligation that they have.

But, Madam Speaker, fundamentally they have to do that based on the information that they have. And any one of them sitting right now in the gallery has access to the 15 Members in this House and can gather the information that they need to be able to inform themselves and to disseminate the information to the general public. If they are not doing so, Madam Speaker, my humble submission is then, is that they are being grossly irresponsible.

We need to ask ourselves what it is as a society, what it is as a people, what it is in terms of what the press is giving people . . . what sort of society, Madam Speaker, is it that we are building?

Madam Speaker, persons in the general public depend on you in the morning time or depend on you when they read the newspapers or when they watch the television to give them the facts. And so, therefore, Madam Speaker, to underscore it again, if you have not given the side of a Member, particularly when he or she is integral in terms of that particular process, then, Madam Speaker, they have failed to do their job. They are withholding valuable information from the general public.

We can call that lying, Madam Speaker, misrepresentation of the facts, economical with the truth; because there is more than one way to do it, Madam Speaker. I continue to see it on a daily basis where, here is an article and just simply one side and, in addition to that, you have the commentary.

Madam Speaker, I believe that the press has an obligation to talk about some of the good things that actually take place as well. They have an obligation to do it. They may not like it. It is not always going to be, Madam Speaker, constant jackhammer in the head or something doom and gloom first thing in the morning. Madam Speaker, there has to be, at the same time, something that in balance and fairness says, *I can't argue with that one; that makes good sense. I'll argue with this one over here.* I think that is only fairness, Madam Speaker.

So, Madam Speaker, I believe without a doubt the press has the responsibility. And, at the same time, Madam Speaker, even when I look at the Motion, like I said, the spirit and intention of that Motion, Madam Speaker, I believe is clearly understood. And I understand also, Madam Speaker, the concerns that are raised by the Third Elected Member for George Town. I think first of all when we talk about the issue . . . I know he mentioned as well in his debate the issue about the editorial and the fact that the editorial obviously, is, in fact, the opinion of the newspaper, and that he took issue with the editorial more than perhaps he did with a specific article.

Madam Speaker, I suppose one of the challenges that we have from this external view is that we do not know if the author is one and the same. We do not know! That is a possibility. What we can say is that when you read the article, the article leads the general public, Madam Speaker—just like it did for yourself, just like it did for the Member for North Side—to draw certain inferences. And those inferences, Madam Speaker, as you have eloquently articulately pointed out today (I do not have to repeat), are not positive inferences, Madam Speaker, on the Legislative Assembly nor the Members nor the Speaker of the House.

The editorial . . . if there was any doubt, perhaps, as to where the article was pointing, the editorial just sealed the deal and gave us a full understanding from an opinion commentary standpoint position, apparently what the article intended in the first place. Just in case they did not make it clear.

So, Madam Speaker, I do not think we need, in that particular situation, to give anybody any extra rope. I think enough rope has been gone and the rope is tight, Madam Speaker. That particular article and the editorial are clear in the intention. And, Madam Speaker, for persons to even say that they contacted someone when they did not contact someone, Madam Speaker, again, we can put any nice flowery word that we want to put on that, but we know what that is—it is a lie! When you tell the public one thing knowing that it is not, then we know what that is, Madam Speaker.

And so, Madam Speaker, the press has a responsibility, because they are the ones at the end of the day that on a daily basis, whether they are reading, whether they are watching, or whether they are listening, are going to be shaping the opinions of the general public.

Madam Speaker, I can take any banging that you want to give. And I can tolerate any opinions afterwards, but at least for goodness sake give the facts. Lay the facts out as they are and say, after [you] have laid out these facts, *There are five buildings being built, there's this being done and the dogs being run away,* and then you can offer your opinions and the public now can say I have heard these facts and do I agree with the commentary that follows.

But when you do not do that, Madam Speaker, when you have denied the facts, then that commentary is what you are putting forward as the factual information. And that, Madam Speaker, in my humble opinion of what you are seeing—unfortunately, too much of in the country, Madam Speaker—is wrong.

Just the other day I sat with two of my colleagues around the table right in this honourable House in the common room, with about 10 or 12 of our young children still in school or just on their way out, for the Youth Parliament. And, Madam Speaker, they have come here to participate to learn what it is like to be Members of the Legislative Assembly. I cannot tell you how disheartening it is, discouraging to

say the least, when, unfortunately, some of them, if not the majority of them, Madam Speaker, are already poisoned that: *I don't want to be in this place. I don't have a high view of politicians.*

Madam Speaker, do you know what it is when a flower does not want to aim for the sunlight? Plants do not want to go for sunlight? When someone at the end of the day does not have something that they can aspire to? When you are saying to our children that position is not one to aspire to? That is what we are saying to our children. It is not one to which you should aspire. Madam Speaker, that has to be the wrong message. [It] has to be the wrong message, Madam Speaker. So, I encouraged them.

And all of us, Madam Speaker . . . it is the Members of Parliament, it is the press, it is the public, we have to understand what plant it is we are watering every day, what attitudes we are watering when our young persons are going to come and say, *I don't want to come to this place.* Then we spend 15 to 20 minutes and we are sharing information with them and by the time we are finished, after half an hour at least you can see a little glimmer of hope, a little glow on their face, that maybe they have misunderstood things. Maybe all of the stuff that they hear on a daily basis and that they read, and on the television, wherever they get it, Madam Speaker, maybe it is incorrect and they can have a chance to see for themselves that to be able to come to this Legislative Assembly and to be able to serve the people of this country, to make some tough decisions that are never going to be made right, Madam Speaker, no matter how you make it, because you are going to make someone happy and someone unhappy, that that in itself, Madam Speaker, does not make you an evil person.

And that if you are a good Bible person and a good individual when you voted for them in 2009, just because they put themselves on the Floor of this House cannot possibly mean that they are immediately corrupt and have evil intentions. No, Madam Speaker!

So, this is where when you look at the article in terms it is happening behind closed doors. What does that mean? What are you trying to suggest? Madam Speaker, if I go right now in any corporation in this country or around the world, where are we going to have a meeting? Out in the park? We are going into an office; we are going to close the door. So, what are they going to say? *Oh, corrupt company having meetings behind closed doors.* No, Madam Speaker, let us be fair. Let us be fair.

I do not have to get into some of the intricacies that you have already mentioned, Madam Speaker, in terms of the Standing Orders and the Select Committee, and the rules and regulations, because that is something, Madam Speaker, as I mentioned earlier, the obligation, and that the Honourable Attorney General touched on is something that the press has an obligation to do—to arm themselves, to learn the Standing Orders, to learn the rules, Madam

Speaker, and to disseminate, not only made for themselves, but to disseminate those rules to the general public.

On one hand they are going to say that this honourable House is doing something wrong. It is corruption—because of what? The process! The legislation did not take 21 days. But yet, Madam Speaker, they are out there in breach of the Standing Orders themselves. “Kettle cursing pot” or “pot cursing kettle”, Madam Speaker, that is what it is. You cannot have it both ways, Madam Speaker.

Madam Speaker, the general public deserves . . . As I have said, I have no problem, Madam Speaker—in fact, I am very good at it. I have no problem in terms of . . . and, in fact, I think anyone who is elected is good at providing opinions and providing commentary. But, Madam Speaker, let us give the facts. Let us give the facts to the people so that when we offer our opinions and we offer our commentary, that the public who seeks to inform themselves can decide whether they agree or that they disagree.

Madam Speaker, touching on the press and entwining that at the same time to ourselves as honourable Members in this House, I wish in that moment of introspection here to say that we have an obligation to ourselves. As one Member some time ago called it this fraternity, this particular institution, Madam Speaker. I would like to say that all of us in this House, I legitimately believe . . . and I know we have differences and we express them on a daily basis, as we should, because we are not all going to agree on what is being done or the methods taken to get there.

But I believe, Madam Speaker, that in large part every single Member of this House has good intentions for the people of this country, and that they want what is best. Therefore, Madam Speaker, we too have an obligation to ensure that our message out there to the general public is not going to be one that continues to allow what is happening to be propagated out there in the general public, Madam Speaker.

We can do it in at least two ways: Positively, by expressing it; or the other way, by perhaps remaining silent and allowing it to be said. If we sit on a talk show, for example, and someone says, *So and so is corrupt and you are doing X, Y and Z,* and we just keep quiet, what are we saying, Madam Speaker? We are saying, *I don't disagree.* That's what we are saying, at best, Madam Speaker; we don't disagree. And, Madam Speaker, if we do that we are also part and parcel responsible for the constant degradation of this honourable House.

Madam Speaker, it is not going to be an institution in which we will want to work, or any of our young persons. Those young budding individuals who should be aspiring for something, I would hope, like this honourable House, Madam Speaker. It is not going to happen if we continue in this route.

Madam Speaker, I am just sharing my 18 months' experience. I am a young one. I understand.

But I see it on a daily basis, both in terms of how we conduct ourselves. And I said it already a few days ago in one of my contributions, that it may be zero sum game out there in terms of the election. But when we make it in here, Madam Speaker, zero sum game drops away.

Every time we lose a little piece somebody gets it—whether it is to the UK in terms of them having more authority, whether it is the press in them having more author— . . . Madam Speaker, it is going somewhere. And so, Madam Speaker, we have an obligation to ensure that we are not going to be fostering or propagating that image as well, Madam Speaker.

Madam Speaker, let me just touch, for example, on something about the Premier. As an example, Madam Speaker, we know on too many occasions they do not hesitate in the general public to accuse the Premier of being a dictator, autocratic, you name it, Madam Speaker. And it has come to the point that that is perfectly acceptable. Perfectly acceptable!

But, Madam Speaker, what have we even seen today? What have we witnessed today, Madam Speaker? Yet the Third Elected Member, for example, for George Town, was in accordance. He is in agreement with the position taken by the Premier.

So, here is someone now who is going to be, when it is convenient, accused of being a dictator, or accused of being an autocrat, but at the same time now when a motion is brought—not by himself, but by an independent Member of the honourable House—of which the Government could just simply say we agree, and, Madam Speaker, what does the Premier, Madam Speaker, to which they accuse of being an autocratic dictator, what does he do, Madam Speaker? He asked for a spirit of forgiveness, Madam Speaker.

And the position is that your commentary this morning, Madam Speaker, after having laid out the facts, is sufficient. And that it is the shot over the bow, Madam Speaker (if I may use that term). It is the shot over the bow to be able to send a warning to allow us to be able to discuss it in the public and hopefully for all of us to make reformation wherever it is necessary, wherever it is needed, Madam Speaker. And that if another breach happens, Madam Speaker, in the future that we can act accordingly and do what has to be done.

That was the position taken by the Premier, who, unfortunately too many, even in this honourable House, propagate that the individual is a dictator and an autocrat. Madam Speaker, those are the sort of evils that were happening, Madam Speaker.

I believe that one of most inaccurate statements that has perhaps ever been made that “sticks and stones may break my bones, but words will never hurt me.” Madam Speaker, that is false. Words hurt! They hurt people, Madam Speaker.

You can take any young child and continue to drop that one word every day, *You nah gah good*

sense, you nah! Whatever you want to say, whatever that negative statement is, Madam Speaker, that is what you are watering that young child with on a daily basis. And you can do it to the negative or you can do it to the positive. As the good Word says, death and life are in the power of the tongue. And, for those who seek to hold that Word in authority, that is what the Word says, death and life are in the power of the tongue.

If I could be so bold as to stretch it to make sure that I, from what my inference is, that also includes the pen, Madam Speaker. Death and life are in that. So, I encourage the press when they write, and I encourage Members of this House when they speak to ask themselves what particular thing, Madam Speaker, am I doing today? Am I watering for life or am I killing something?

Madam Speaker, I can tell you, I tell the honourable Members of this House, and I tell the general public, and I tell the press, that when you have young individuals who are saying to you, *I have no desire to grow in that area*, that, Madam Speaker, is the tip of an iceberg of something horribly, horribly wrong in your country. And I have to tell you I do not even have the vision to see where that ends. But I know one thing for sure, Madam Speaker, it is not going to end well so we have to do something about it.

Madam Speaker, just in wrapping this all up, there is an obligation on all of our parts and I wish to encourage, Madam Speaker, because I talked at length about some of the negatives coming from the press, but I take this opportunity as well to praise so many members of the press who I know are out there and that they are doing a good job.

I know the Premier talked about the *Compass* and the fact that it is a good institution and should we now mar the entire institution because of one individual? I hope not, Madam Speaker. Should not do it in the Legislative Assembly, should not necessarily do it with the papers, should not do it in the family, should not do it anywhere.

So, Madam Speaker, I take this opportunity to take my hat off to the members of the press who are getting out there on a daily basis and trying to give both sides of the story, trying to convey the facts to the general public even if they seek afterwards to offer their commentary. And, at the same time, Madam Speaker, I encourage us in this honourable House. Should we debate? Absolutely! And we should debate, Madam Speaker, with the vigour that the public expects us to debate with; that is why they put us here. But let us debate on the facts.

Even today . . . just this morning I heard the Premier say something I believe was in reference, perhaps to a position in terms of being Christ-like. And we had someone across the Floor who was going to cough and snicker. What are we saying, Madam Speaker? It is the wrong message. At the same time, as the good Word would say, before we talk about taking the bean out of that guy's [eye], take the log out

of ours, Madam Speaker. They are wrong on all sides and that has to be fundamentally clear. We have an obligation in this House to conduct ourselves properly.

The press has an obligation in that purview to make sure that they are going to disseminate the facts, and in many instances to offer their commentary. And I encourage them to do so and to do so responsibly. I praise all of those individuals out there who do that on a daily basis. I hope that they will not be having a shadow cast over them because of one or two individuals.

At the same time, Madam Speaker, I would hope that from the position of the honourable House position, nobody is going to cook me in somebody else's fat either. I have been in here 18 months and trying my hardest.

Madam Speaker, that is what I want to say in short. We all have an obligation. And just finally on the general public, Madam Speaker, having been on a talk show . . . Mark Twain had a statement. He said that the world is shaped by the unreasonable man. I think Edmund Burke almost followed that up by saying evil prevails because good men do nothing.

And, Madam Speaker, there is an obligation also in terms of the general public to have their voices heard as well. So, I encourage them, for example. I encourage good people who see something good happening, who see that the sun is still shining and that the sky has not fallen, that they can pick up the telephone and call the talk show and let us talk about that as well. And that those who have an appreciation, for example, in terms of what this Government, the past, or those in the future have done, to voice their opinion as well. That is the motley crew; that is the different colours that we need in this rainbow to make a very good society.

And so, with that, Madam Speaker, I hope that you will accept that as my short contribution to this debate.

The Speaker: Thank you, Fourth Elected Member for George Town.

Does any other Member wish to speak?
[pause] Does any other Member wish to speak?

[First Elected] Member for Cayman Brac [and Little Cayman].

Mr. Moses I. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, after my good friend, the Fourth Elected Member for George Town, said he was just going to speak briefly with a few short comments, I believe I will say a thank you for allowing me to say a few words today.

Madam Speaker, each one of us in this House, when we took our oath, has an obligation to the people of this country for freedom of speech. I want to say that I take it very seriously. But, Madam Speaker, this morning when you read your statement . . . I want to compliment you on the statement and how

you handled yourself when you were reading it, and how important I think it really is that you spotted the heartbeat of not only this honourable House but I think the heartbeat of the country itself when you identified this issue.

Based on the debate here today you can obviously see, and I believe the press obviously sees, that it really hit a tone that everybody had something to say and a strong feeling on.

There are very few things that I can say that have not already been said today. But you summed it up when you said: "When the free press, however, begins whittling away at the root of democracy defaming the integrity of the country's Legislative Assembly and the integrity of its honourable Members by deliberately planting in the minds of the public the idea that the persons they have chosen to represent them are not worthy of their trust and respect . . ." Madam Speaker, thank you for those words, because you were talking about us and you were talking about this country.

I believe that that is the foundation of the comments that were made here today, the ones that everybody took their time and spoke on and reiterated. [There was] a commitment from both sides to make sure that there was the ability for good people in the press that want to write and deliver and work in an industry that is extremely important to this country and to the way that we continue to operate as a society.

So, the idea that, in any way, we can limit access or change the ability of getting information out . . . it has to be very clear that that is not the intent here. The intent is to make sure that the information goes out in a very clear way and is not interrupted or intercepted and set out in something that would not be to your approval.

Madam Speaker, I believe that the fact that you took action so quickly shows that it will not happen in this House while you sit in that Chair. Madam Speaker, you gave a ruling and in your ruling you basically said that the writer for the *Compass*, Cayman Free Press, Mr. Fuller, would apologise and, further, you suspended Mr. Brent Fuller's privilege to report the Legislative Assembly for the remainder of this week, along with the apology.

Madam Speaker, the Motion that is on the Floor brought by the very capable Member for East End.

[inaudible interjections]

Mr. Moses I. Kirkconnell: North side.

The East End Member is very capable too, Madam Speaker. I want to make sure everybody knows that.

The two RESOLVES that catch your attention, which really the action items come from is: "**BE IT THEREFORE RESOLVED THAT this Legislative Assembly ask the Attorney General to prosecute**

Brent Fuller and the *Caymanian Compass* as provided for in sections 18 and 19;"

The second, Madam Speaker: **"AND BE IT FURTHER RESOLVED THAT the Legislative Assembly ask the Speaker to cancel Brent Fuller's press privilege immediately."**

Now, Madam Speaker, these thoughts are my thoughts: I believe that your statement this morning showed strength and foundation in what you want and how you want this House to run. But personally, I believe that this Motion brings with it a little bit more of a reminder of how serious it is, and, what has basically been thrown out, being behind closed doors.

So, Madam Speaker, the part about Mr. Brent Fuller's press privilege being taken away immediately, what that means to me . . . and why I ask this is so when the Member for North Side replies he can explain whether the spirit . . . and I guess part of this will be your ruling, but does this mean that once his privilege is taken away, then he has the right to reapply for that privilege?

And, Madam Speaker, if that is the case, and the period of time that his privilege is taken away is longer than the one week, I would support it being longer than one week. I would not support this if this is an intention to completely remove this gentleman from ever being able to come back to this honourable House. I think that is something that you should decide. And, Madam Speaker—

Moment of Interruption—4.30 pm

The Speaker: Can I interrupt for just a second please?

I need a motion to continue the business of the House after 4.30.

Suspension of Standing Order 10(2)

The Premier, Hon. W. McKeever Bush: Madam Speaker, I move the suspension of Standing Order 10(2) in order for business to be conducted after 4.30. And I can tell Members we will finish the business on the Order Paper tonight.

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

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

Ayes.

The Speaker: The Ayes have it.

Agreed; Standing Order 10(2) suspended.

The Speaker: First Elected Member for Cayman Brac [and Little Cayman], continuing.

Mr. Moses I. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, I was talking about the RESOLVE in the Motion. And it says: **"BE IT THEREFORE RESOLVED THAT this Legislative Assembly ask the Attorney General to prosecute Brent Fuller and the *Caymanian Compass* . . ."**

Madam Speaker, while I believe, as I have stated, that there should be more of a penalty than has actually been said this morning, I do not believe that a vote in this House [on] this Motion should automatically enact the Attorney General to prosecute Mr. Fuller or the *Caymanian Compass* under that section,

The Member for North Side and you, Madam Speaker . . . I am hoping that there is some way that a little bit more can be done, or more can be done than has actually been done right now. But the way this Motion actually reads, and I will give you an example: If the Motion read: ". . . this Legislative Assembly ask the Attorney General to explore. . ." it would give some discretion on the part of the Attorney General. But this Motion the way it is written gives no discretion, in my opinion.

So, Madam Speaker it would be very difficult, for me to support that RESOLVE. While I certainly am in support of the spirit of more being done, I felt it would have been remiss of me to not explain where I am on this Motion, Madam Speaker.

Madam Speaker, again, I believe that everybody in this honourable House takes their job very seriously, and I am thanking you for the last time for taking action so quickly on what was written and the way you handled it this morning.

Thank you.

The Speaker: Thank you, First Elected Member for Cayman Brac.

Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Does any other Member wish to speak.

If not, I call on the mover of the Motion to make his reply.

[Elected] Member for North Side.

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

Madam Speaker, you will recall that in moving this Motion I did not deal with a lot of generalities. The Motion is very specific. I dealt with the article that was in the *Compass* on Wednesday and the fact that I thought the article and the editorial breached the Privileges, Powers and Immunities Law of the House. That is all I said.

To me it is not important whether I have a relationship with Mr. Fuller or the *Compass*, how big the newspaper is or anything else. In my humble opinion, what happened . . . and I have to include the newspaper because the editorial does not have a byline on it. And my position is that the only thing I have available to me to take action to protect this House is what is provided in the Law. The Law provides that if there

is a breach of [section] 18(2) it is considered an offence under the Law.

And [section] 19 says, “**No prosecution for an offence under this Law shall be instituted except with the written sanction of the Attorney-General.**” Now, Madam Speaker, I am not a lawyer. I am not a constitutional expert. This Motion is in my own words. I believe that the Attorney General has the option of whether he actually goes to court or not. Maybe he can follow your lead and if he gets an apology and that is satisfactory to him, that is their decision. If he goes to court it is the court’s decision as to what magnitude of punishment should be given to these offences, as I see it.

Madam Speaker, in my view, the thing to do . . . and when I say that Mr. Brent Fuller’s press privilege should be cancelled immediately it did not say it could never be renewed. That is a decision for you as Speaker, Madam Speaker. And sometime in the future, after cancelling it you believe that there is reason to renew it; that is your decision. I have no decision over that. I have no influence over that.

So, Madam Speaker, I am asking the House to vote in favour of the two resolutions because, Madam Speaker, as I said earlier, I believe I have a responsibility to maintain the moral ground. It is very difficult for me to go to my constituency and chastise some of the young people from breaking the law if I sit here knowingly, in my own mind, and in my own conviction, that this breaches the Immunities and Privileges Law and do nothing about it.

I have done my duty. It is up to the House. They may vote whomever and wherever they wish.

Thank you, Madam Speaker.

The Premier, Hon. W. McKeever Bush: Madam Speaker, before you put the question I would like to inform this honourable House that this is not a matter that has gone through Cabinet. Therefore, Members are not bound by collective responsibility. It is a matter to deal with the workings and the privileges of this Legislative Assembly. Therefore, I have said to Members that they should vote their conscience. I think that is what Members will do.

The Speaker: Thank you, Honourable Premier.

I presume that that was the correct procedure.

The question is: BE IT THEREFORE RESOLVED THAT this Legislative Assembly ask the Attorney General to prosecute Brent Fuller and the *Caymanian Compass* as provided for in sections 18 and 19;

AND BE IT FURTHER RESOLVED THAT the Legislative Assembly ask the Speaker to cancel Brent Fuller’s press privilege immediately.

For clarification, sections 18 and 19 are referring to the Immunities, Powers and Privileges Law, (1999 Revision).

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

Ayes and Noes

The Speaker: The Ayes have it.

Do you want a division, Member for North Side?

The Premier, Hon. W. McKeever Bush: I think we better get a division, Madam Speaker.

The Clerk:

Division No. 24/10-11

Ayes: 9

Hon. Rolston M. Anglin
Hon. J. Mark P. Scotland
Hon. Cline A. Glidden, Jr.
Capt. A. Eugene Ebanks
Mr. Dwayne S. Solomon
Mr. Moses I. Kirkconnell
Mr. Anthony S. Eden
Mr. V. Arden McLean
Mr. D. Ezzard Miller

Noes: 4

Hon. W. McKeever Bush
Hon. Michael T. Adam
Mr. Ellio A. Solomon
Mr. Alden M. McLaughlin, Jr.

The Speaker: The Division is 9 Ayes and 4 Noes.

Agreed by the Majority: The Matter of Privilege Motion moved under Standing Order 28(1) passed.

The Speaker: Please refrain from statements from the floor.

The next item of business—

The Premier, Hon. W. McKeever Bush: Madam Speaker, this is a very serious move that has been taken which affects the Privilege of the House, and with your indulgence I would like to be brought up to date now with what is the next step.

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Well, clearly, the issue of the revocation of the privilege is not a matter for me. But the issue of asking to prosecute is clearly different from directing the prosecution. So, it is entirely a matter for the AG, as to whether or not the invitation, as I consider it, is taken up.

Certainly, the outcome of the Motion is not binding on the AG in terms of whether he prosecutes or not. It is still entirely a matter for me under the Constitution to determine whether there is evidence to prosecute and, if there is evidence, whether there is the additional issue of the public interest.

So, I make no . . . I shall say nothing more about the matter except that we will certainly look at it and make a determination based on my own assessment of the facts and circumstances.

Thank you.

The Speaker: With regard to the question of me cancelling Brent Fuller's press privilege, I made a statement today. I will stand by that statement for the present until I find out whether Mr. Fuller and the press intend to apologise to this House for its statements against the integrity of the House and its membership.

Elected Member for East End?

Mr. V. Arden McLean: Madam Speaker, on the procedural point (and I am only asking), is it fair to expect that since the House has resolved for your Chair to cancel Mr. Fuller's press privilege immediately, then the Chair would have to take that into consideration and report back to the House as to whether or not that has been cancelled or extended over and above what the Chair has already inflicted or ordered—that it be suspended for the rest of the week?

The Speaker: Yes, Member for East End, I shall have to report back to the House on what happens after this point.

Shall we proceed?

GOVERNMENT BUSINESS

Suspension of Standing Order 24(5)

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 24(5) in order for a Government Motion to be dealt with in this sitting.

The Speaker: The question is that Standing Order 24(5) be suspended to enable a Government Motion to be dealt with in this current sitting.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 24(5) Suspended.

The Speaker: Do you want to take a break now and then come back to do the Bills, or you want to continue?

The Premier, Hon. W. McKeever Bush: Madam Speaker, I think after this long day we had better continue now and let us continue and try to get business completed. I think Members are in agreement to try to get things done so we will continue with business.

BILLS

Tax Concessions (Amendment) Bill, 2010

The Clerk: The Tax Concessions (Amendment) Bill, 2010.

The Speaker: The House will now go into Committee to complete its consideration of the Tax Concessions (Amendment) Bill, 2010.

House in Committee at 4.47 pm

The Chairman: The House is now in Committee. With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in this Bill.

Would the Clerk please state the Bill and read the clauses?

COMMITTEE ON BILL

Tax Concessions (Amendment) Bill, 2010

Hon. Samuel W. Bulgin: Madam Chair, with your leave, I thought we had gotten to a stage where we were discussing clause 2 of The Tax Concessions [(Amendment), 2010 Bill].

The Premier, Hon. W. McKeever Bush: Yes, Madam Speaker, we had gotten to clause 2. In fact, we took the break because there was a constitutional question put forward by the Member for North Side but articulated and argued by the Member for George Town.

Mr. D. Ezzard Miller: I asked a question, he brought up the constitutional issue. In my view, it should have been—

The Premier, Hon. W. McKeever Bush: Yes.

Mr. D. Ezzard Miller: —Cabinet.

The Premier, Hon. W. McKeever Bush: And we took a break in order to make sure that that matter was properly ventilated by the AG on our return. And I would ask the AG—

The Chairman: I stand corrected. We'll [inaudible] clause 3.

We are going to ask the Honourable Second Official Member to articulate on this?

Hon. Samuel W. Bulgin: Yes.

Thank you, Madam Chair.

Madam Chair, I was really asked to consider the issue of the continued use of the expression "Governor in Cabinet" as distinct from "Cabinet" in some of our Bills. Whilst, I must confess, Madam Speaker, it is not an easy issue to resolve for a number of reasons, least of which is the fact that usually

we are guided by case law in the absence of clear expression in the Constitution. There is really not much case law or any case law that I would be able to find except one which is really not directly of relevance because it was—

The Chairman: I'm sorry, I can hardly hear you sir.

Hon. Samuel W. Bulgin: —it was not . . . Sorry. Thank you. Can you? Yes.

It was since 1963. And it does not help either, Madam Speaker, because the expression itself does not appear in the Constitution. So, to get some sort of clarity one has to read the entire Constitution and extrapolate from the various provisions what is probably the best way going forward.

Madam Chair, the expression "Governor in Cabinet" and its predecessor, "Governor in Council", have not been defined in the Constitution. It does not appear anywhere there.

The Interpretation Law (1995 Revision) provides the definition in section 2. It says [that] Governor in Cabinet means the Governor acting in accordance with the advice of the Cabinet of the Islands. That is what it means.

The reference is usually used in legislation when it is deemed necessary to make a distinction between the Governor acting in his own discretion, or on the advice of Cabinet. Accordingly, the actual Constitution has no direct bearing on the expression. Rather, it is a matter of extrapolating, as I said, from the constitutional relationship between the Governor, the man in persona, and the Members of Cabinet whenever the Governor presides.

The celebrated author, Sir Kenneth Roberts-Wray, in his text *The Commonwealth and Colonial Law*, put it this way, Madam Chair. It says, "**With very few exceptions whatever state of political progress a Territory has reached, the Constitution establishes an executive body charged with responsibility, be it complete or otherwise, for or in the general administration of the Government. The principal function is to give advice to the head of the executive for the machinery of Government is vitally dependent upon the extent to which such advice must be accepted and acted upon.**"

He goes on to say, "**The picture which the expression suggests is that a council or a cabinet seated around a table presided over by the Queen's representative who acts in accordance with their advice.**"

And so, he opines that the correct conclusion appears to be that for the exercise of powers both the Governor and the majority of his council must agree before the power can be exercised.

In the Cayman Islands 2009 Constitution, the role of the Governor, Madam Chair, is more than ceremonial when he presides in Cabinet. And this, in my view, is borne out by section 33 in particular. The section provides that where required to do so, the

Governor shall consult Cabinet and act in accordance with the advice of Cabinet.

Now, section 33, read together with section 32, section 55, sets out those instances when he is not required to consult with Cabinet. But there is no tick-box provision which contains, in an exhaustive way, the list of all his powers, or functions, rather. And so, one has to look at the entire Constitution, including sections 43, 46, 49, 54, and all of those other sections speak to the role of the Governor. What is clear is that whenever he presides in Cabinet he does enjoy veto powers over the advice of Cabinet, that is, advice given to him when he is presiding over or at Cabinet in the context of section 33(2).

I would just pause to observe here that in Cayman the Governor is not named as a member of the Cabinet. And if you compare that with section 27 of the TCI Constitution, which expressly states that the Governor is a member of the Cabinet, but he also, Madam Speaker . . . Sorry.

According to 33(2) he can veto the advice if he is so instructed by Her Majesty via the Secretary of State. That is a general veto power that he enjoys once he is instructed by Her Majesty through the Secretary of State. But also, he can veto the advice without any instructions. He can do so on his own motion in circumstances where he, the Governor, in his judgment, is of the opinion that such advice would adversely affect any of his special responsibilities; that is, matters dealing with defence, external affairs, internal security, appointments to the public service, as well as, again, any other issue falling within any special responsibility. And here he needs no instructions from the Secretary of State to do so.

So, in our view, what that clearly sort of shows is that Cabinet acts in an advisory capacity to the Governor whenever he presides at Cabinet as contemplated by section 33. We think it is made even clearer by the requirements in the said section which say that if the Governor acts otherwise than in accordance with the advice given to him by the Cabinet his reasons shall be recorded in the Minutes of Cabinet and any member may require that their reasons be recorded in the Minutes as well, sorry, any opinion or advice that they proffer to the Governor should also be recorded in the Cabinet Minutes.

And so a literal interpretation of all of those provisions suggests that, including when you look at the heading of section 33 . . . and I accept what it says about in those circumstances where he presides. The clear intent, in our view—and I discussed this with the Foreign and Commonwealth (FCO) Legal advisor—is that the current expression "Governor in Cabinet" more accurately describes the Governor's constitutional role in Cabinet when he presides over it, and, therefore, in our opinion, there was really nothing legally or constitutionally objectionable about the use of the expression "Governor in Cabinet" whenever it is used in such context.

Madam Chair, that, obviously, is not the end of the matter. I asked myself, *Well, what happens when the Premier presides over Cabinet? How would you capture that?* Because, that clearly is not the Governor in Cabinet. Well, the Constitution does not help us. The Interpretation Law does not help us at all. So there is really . . . and since this is a more recent phenomenon—certainly, in the context of the Cayman Islands—there is no learning on the matter.

I did take the opportunity to ask the Cabinet Secretary to inquire from his counterpart in Bermuda where the Premier presides, [as to] what happens there since the Premier presides there. His response was that the Cabinet . . . the Minutes simply show that the Cabinet decides and that is all that happens, nothing more. So, that is how that is captured and recorded. But that is instances where, of course, the Premier presides and he is a Member of the Cabinet in Bermuda.

So, it is clear, given the obvious significance of the remit of the Governor, that under the new Constitution there should be some sort of an unequivocal position about the role of the Governor and the role of Cabinet, whether it is advisory or it really determines or makes decisions. And in those circumstances what was agreed was that both the FCO Legal Advisor and I would take an exhaustive look at the matter going forward, as there is really no pressing need for it to be determined in the context of this particular Bill, given the wider import of the issue.

So, Madam Chair, the position, as we understand it . . . sorry, we decided, was that as currently crafted, and is currently used, rather, there is no constitutional or legal objection to the expression “Governor in Cabinet” as it properly sort of delineates or reflects the role of the Governor when he presides over the Cabinet. And the thought is further reinforced by the fact that the Constitution clearly states that the Cabinet comprises the Premier, the other four Elected Members, and the two Official Members. And that composition is not self-executed. So all those members together cannot convene a Cabinet and make a decision in circumstances where the Governor is available to preside. It cannot happen. So, to that extent it is certainly not self-executed.

So, Madam Chair and Members, the view is that the current expression is not objectionable but, clearly, it is something that needs to be looked at more exhaustively and a definitive position should be articulated by the Foreign and Commonwealth Office, certainly, as to what their understanding and expectation of the role of the Governor, when he presides over Cabinet, should be and how that could be reflected in legislation going forward.

Thank you.

The Speaker: Thank you, Second Official Member.
Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: thank you, Madam Chair.

Madam Chair, I listened carefully as the learned Attorney General laboured to maintain the position in relation to the functions and authority of Cabinet to maintain the position which existed pre 6 November last year. In order to reach the conclusion, he has, he has had to do violence to the language of the current Constitution, and he has had to go counter to basic principles of statutory interpretation among which is the cardinal principle that if the new provision is vastly different from the former one, it is obviously intended to be different.

Madam Chair, I want to start here, and I want this to go on the record because this is a fundamental point. It may be that the UK Government is remorseful. It may be that they would like things to revert to the way they were. But the reality is that the new Constitution created a sea-change in the functions and authority of Cabinet and those of this House.

Distinct differences appear in the provisions that relate to both aspects of the structure of Government. And so, Madam Chair, this may take a few minutes but I want to start at the beginning, because I want this to be on the record. And I have already indicated to the Attorney General that I will be writing to him and to whoever else I need to write to—including the FCO, if that is deemed necessary—about this issue. I have already spoken to some constitutional people about this matter.

Madam Chair, we start with the Office of the Governor. In section 29 of the new Constitution it says, **“There shall be a Governor of the Cayman Islands who shall be appointed by Her Majesty and hold office at Her Majesty’s pleasure.”**

Then, Madam Chair, section 31—the functions of the Governor: **“The Governor shall have such functions as are prescribed by this Constitution and any other law, and such other functions as Her Majesty may from time to time be pleased to assign to him or her in exercise of the Royal prerogative.”**

So, the Governor does not just have authority to do whatever he or she wants to do; the functions are those prescribed by the Constitution or other laws, or those that have been assigned by Her Majesty. He has no overriding authority, he has no residual authority; he has no authority other than derived in those ways. So, his functions are those that are set out in this Constitution or some other law, or assigned to him by Her Majesty.

Madam Chair, section 32 goes on to say, **“[(1)] Subject to subsection (2), the Governor shall consult with the Cabinet in the exercise of all functions conferred in him or her by this Constitution or any other law, insofar as it is reasonably practicable to do so and unless the matter is not materially significant such as to require consultation.”**

So, it places an onus on the Governor to consult with the Cabinet in exercise of all functions except

those that are set out in subsection (2), and those are: “[**(2)(a)**] any function conferred by this Constitution which the Governor is empowered to exercise in his or her discretion or judgement or in pursuance of instructions addressed to him or her on behalf of Her Majesty; [**(b)**] any function conferred by this Constitution or any other law which the Governor is empowered or directed, either expressly or by necessary implication, to exercise without consulting the Cabinet or to exercise on the recommendation or advice of, or after consultation with, any person or authority other than the Cabinet; or [**(c)**] the special responsibilities of the Governor set out in section 55, other than External Affairs.”

The subsection goes on to talk about the obligation of the Governor to keep the Cabinet informed concerning the general conduct of all matters for which he or she is responsible, and of any matters that in his or her judgment may involve the economic or financial interest of the Cayman Islands or the enactment of laws under the Constitution.

There is another provision [32 (4)] “**Where the Governor is by this Constitution or any other law directed to exercise any function after consultation with any person or authority other than the Cabinet he or she shall not be obliged to exercise that function . . .**” so forth and so on.

And then, Madam Chair, we get to the section that the Honourable Attorney General referred to, section 33, which says, “[**(1)**] **Subject to subsection (2), in any case where the Governor is required to consult with the Cabinet he or she shall act in accordance with the advice given to him or her by the Cabinet.**”

The notable point is, Madam Chair, in any case where the Governor is required to consult with the Cabinet he shall act in accordance with the advice given. It goes on: [in section (2)] “**The Governor may act against the advice given to him or her . . . [(a)] if he or she is instructed to do so by Her Majesty through a Secretary of State; or [(b)] if, in his or her judgement, such advice would adversely affect any of the special responsibilities of the Governor set out in section 55.**”

So, those are the functions of the Governor and the way they can be exercised, the constraints under which they can be exercised.

Now, Madam Chair, we move to Part III, “The Executive,” section 43, which speaks about the Executive Authority of the Cayman Islands. And as you would expect, Madam Chair, subsection (1) of section 43 says, “**The executive authority of the Cayman Islands is vested in Her Majesty.**”

And subsection (2) talks about the delegation of that Executive responsibility. It says, “**Subject to this Constitution, the executive authority of the Cayman Islands shall be exercised on behalf of Her Majesty by the Government . . .**” So, Her Majesty has delegated executive authority to the Gov-

ernment of the Cayman Islands and it can be exercised on behalf of Her Majesty by the Government, “. . . **consisting of the Governor as Her Majesty’s representative and the Cabinet, either directly or through public officers.**”

So, the Government is comprised of two entities—the Office of Governor, as Her Majesty’s representative, and the Cabinet.

The Cabinet, section 44: “[**(1)**] **There shall be a Cabinet in and for the Cayman Islands which shall consist of— [(a)] a Premier appointed by the Governor . . . [(b)] six other Ministers . . . [(c)] the Deputy Governor and the Attorney General, ex officio.**” The Governor is not a part of the Cabinet. The Governor’s Office is separate and apart. He is Her Majesty’s representative, one component of a two component Government.

The section goes on in section 44, subsection (3), “**The Cabinet**” Not the Government, the Cabinet; not the Governor, the Cabinet “**shall have responsibility for the formulation of policy, including directing the implementation of such policy, insofar as it relates to every aspect of government except those matters for which the Governor has special responsibility under section 55, and the Cabinet shall be collectively responsible to the Legislative Assembly for such policies and their implementation.**”

Madam Chair, it is inconceivable that Her Majesty’s Government would agree that it should be held responsible to this Legislative Assembly for any policy or the implementation of any policy. It is only the elected Members of Cabinet. It is only the Cabinet who are so responsible. So, it is not the Government that is responsible for policy formulation; it is the Cabinet that is responsible for formulation and implementation of policy.

There is no reference in this section or anywhere else that I have been able to find in the Constitution which says that Cabinet advises or consults with the Governor about the formulation of policy or its implementation.

And there is, Madam Chair, to complete this particular position, the assignment of responsibilities, [which] is quite clear. Section 55 gives to the Governor special responsibilities. Section 55(1): “**The Governor shall be responsible for the conduct, subject to this Constitution and any other law, of any business of the Government with respect to the following matters— [(a)] defense; [(b)] external affairs . . . ; [(e)] internal security . . .**” and the appointment, promotion, transfer, and so forth, of members of the public service. So, those are his special responsibilities.

[inaudible interjection]

Mr. Alden M. McLaughlin, Jr.: So, you see the division of labour (if I may use that expression). Cabinet has on the one hand responsibility for formulation and implementation of policy of every aspect of Govern-

ment, other than the special responsibilities. The special responsibilities are those of the Governor. He has defence, internal security and the public service as part of the Government. So, he is a part of the Government but that is his discreet area of responsibility.

So, Madam Chair, when section 33 (which my learned friend referred to) speaks to the Governor where “. . . **in any case the Governor is required to consult with the Cabinet he or she shall act in accordance with the advice given to him or her by the Cabinet.**” That section is not speaking to, is not referring to, does not have application to formulation of policy under section 44. It has reference to other areas which the Governor is required to consult with the Cabinet, or, indeed, with the Premier, about how things are done.

I will read a couple of examples, Madam Speaker. In section 55(2) **“The Governor, acting after consultation with the Premier, may assign a delegate to any member of Cabinet, . . . responsibility for the conduct . . .”** various business.

“[(3)] The Governor shall not enter, agree or give final approval to any international agreement, treaty or instrument would affect internal policy or require implementation by legislation in the Cayman Islands without first obtaining the agreement of the Cabinet, unless instructed otherwise by the Secretary of State.”

“[(4)] The Governor shall, acting after consultation with the Premier, assign or delegate . . . responsibility for . . . external affairs . . .”

And if you go through the Constitution, Madam Chair, you will find other examples where the Governor is required to consult with the Cabinet or the Premier in relation to a range of things.

So, section 33 has application to that. It does not have application to section 44, which is about the formulation and implementation of policy. And that is not, Madam Chair, a mistake; that is not an anomaly. We fought to get responsibility for policy to become the discreet remit of the elected Government.

We did so because of recent, and some not so recent, issues where the Governor or whoever was acting as the UK's, as Her Majesty's representative in the Cayman Islands, did things or did not do things in relation to policy which were felt were not in the best interests of the Cayman Islands. And we wanted to move away from the situation which existed under the 1972 Constitution where the Governor was responsible for the formulation of policy.

I will refer you, Madam Chair, respectfully to section 7 of the '72 Constitution so that we may compare that with the provision in the current Constitution. Section 7 of the '72 Constitution said: **“[(1)] The Governor shall, subject to the following provisions of this section, consult with the [Executive Council] in the formulation of policy and in the exercise of all powers conferred upon him by this Constitution or by any other law for the time being in force in the Cayman Islands, except in the exercise of—**

. . .” And then we go on to talk about the same matters, special responsibilities: defence, external affairs and internal security, the police and the appointment of civil servants, et cetera.

So, the sea-change has been the removal of this provision which existed in Cayman from 1972 to 2009 where the Governor was the man who made policy, or the woman (it was always men in our case) . . . but the individual who made (the Office I should say) which made policy. It did so after consultation with Cabinet, and by and large the Governor was required to accept the advice of Cabinet. But there were instances when he need not do so.

That provision, and nothing like it, appears in the present Constitution—a quite deliberate omission. We have changed the way, constitutionally, Government is supposed to work.

But what it appears to me, based on anecdotes that I have heard and what has become clear now through these discussions, is that the business of the Cabinet has continued as ever it did, notwithstanding the fact that a new Constitution came into effect on 6 November last year. It has been business as usual with the Governor dictating the course of events, and having it . . . or still assuming that it was within his authority to decide policy matters on behalf of the Cayman Islands, when, in fact, it is the Cabinet, which he presides at (and I am not questioning that), that actually makes those decisions.

Madam Chair, I just want to complete the picture so that we might understand that this change is part of an overall increase in the authority of the local Government, and for us to pretend, or allow the UK or the UK's representative here to continue in the old ways is, I believe, or would be, a dereliction of duty on our part and we must resist even the most persuasive arguments that things have not changed as a result of the new Constitution.

Madam Chair, while many of us, including myself for a long time, believed that this House made the laws, in fact, constitutionally it is only since 6 November last year that this House has had the authority to make laws in and for the Cayman Islands.

Under the 1972 Constitution it said in section 29 Part IV on page 14: **“[(1)] Subject to the provision of this Constitution, the Governor, with the advice and consent of the Assembly, may make laws for the peace, order and good government of the Islands.”** Under the new Constitution, the 2009 Constitution, section 59, page 55, Part IV, section 59(1): **“There shall be a Legislature of the Cayman Islands which shall consist of Her Majesty and a Legislative Assembly.”**

Subsection (2): **“Subject to this Constitution, the Legislature may make laws for the peace, order and good government of the Cayman Islands.”**

Madam Chair, as I said when I spoke on Monday, those were hard fought for changes and we must not let those who would like things to remain the

same or to revert to the old order succeed in persuading us that there has been no advancement, that there has been no change. Otherwise, Madam Chair, the last nine years are for naught, for the only thing we would have achieved of significance would have been getting a Bill of Rights added to our Constitution.

If things are to proceed as they have always done, then what was the point of that whole exercise?

And so, Madam Chair, whether the Government is prepared to challenge this or not, I am saying, Madam Chair (and I have said to the Attorney General), that I will not let this rest. Wherever this has to be taken to we have to take it to get this matter sorted and settled.

I think, Madam Speaker, with the greatest of respect, that the position taken by the Attorney General on the advice of Miss Dixon, whom I know well (but who was not the principal constitutional adviser and not principally involved in the talks—at least, the last round of the talks when these issues were finally settled), is a real stretch. The position taken is a real stretch to somehow try to get the operation of Government and the country back to the old position that we were in where the UK and the UK's representative stood in charge—and in many cases stood in the way—of policy decisions of the Government.

Madam Chair, I do not think anyone would regard me as an advocate for this Government, the Government that is in Office. So, I am not fearful of that. But it really does not matter who is in Office. They must have the authority that has been fought for and vested in them by virtue of this Constitution. And we must not let the administrative power essentially go back on not just the promises, but the concessions that they have made and the agreement they have given to giving the local Government more responsibility and authority for the conduct of the affairs of this country. It would be worse than a shame. It would be a disaster, Madam Chair, for us to revert to where we were in 1972 after all the time, money, energy and everything else that was spent to get the Constitution to this point.

I apologise for the length it has taken me to say that, Madam Chair, but at least, it will be good practice for when I have to make the case somewhere else.

Thank you.

Hon. Samuel W. Bulgin: Madam Chair, just quickly in response—

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: Thank you.

—because I know the Member is very passionate about it.

Let me just separate two issues here: There is an issue that we are discussing, which is whether the use of the expression “Governor in Cabinet” is constitutionally palatable or objectionable at the moment. That is not an expression that finds itself in the Consti-

tion. So, it does not affect the Constitution itself. It does not in any way detract from the letters of the Constitution. It does not dilute from the provision of the Constitution.

It is not an expression that is in the Constitution. The only place we can find it now is in legislation when we use those and it is defined in the Interpretation Law. That is the issue.

The gains that the honourable Member spoke about that have been made in the new Constitution are not going to be affected by whether we use the expression “Governor” or “Governor in Cabinet” or “Cabinet,” because at the end of the day he quite properly recognised that under the new Constitution executive authority is a joined-up approach by the Governor, the Cabinet. He quite properly recognised that—executive authority. And that expression carries a lot of weight with it.

So, the Governor is a part of the Executive, he is a part of the Government. Probably a suitable compromise might be to use in those legislations where we now have “Governor in Cabinet”, a suitable compromise can easily be “the Government.” So, the Tax Concessions Law, for example, you could use an expression which says, ‘Where the *Government* considers in the public national interest to grant concession, it may do so.’ That, in my view, is something that would be properly recognised by the Constitution.

Mr. Alden M. McLaughlin, Jr.: I am happy with that, Madam Chair, if that helps. I am very happy with that because that is language from the Constitution. I am okay with that.

Hon. Samuel W. Bulgin: Right.

But let me just point out what I was saying before I go further.

In respect of this 1972 Constitution and the 2009 Constitution, without trying to in any way belittle what has happened . . . if you look at some of the core responsibilities that the Governor had under the 1972 Constitution under section 7, which deals with defence, internal security, external security, appointments to the public service and all of that, not much has changed in respect of those matters. They are still there. So, those are the matters which the UK Government quite understands [and] is robust about. And those remain as part of the Governor's prerogative.

So I think, as I said going forward, what we really need to do is find compromise language which reflects the true constitutional state, the true constitutional position. And I do not think the UK and/or the Governor (I have not spoken to them about it) would have an objection to, instead of using the expression “Governor in Cabinet,” to simply say “the Government,” which clearly includes the Governor in those circumstances as contemplated by the Constitution.

And the issue about this being kept is not an edict or decree that came from Susan Dixon. We spoke about the matter. She agreed that the expres-

sion is constitutionally acceptable and she is comfortable with that being left there. But she did undertake that it is something that we need to look at going forward. So, no line has been drawn in the sand in respect of that.

But the fundamental point is that it would in any way detract from the Constitution because it is not an expression that is in the Constitution.

The Chairman: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Chair, the AG and the Third [Elected] Member for George Town have been having a go at this matter. And we still hear, as far as I am concerned, that the language used in the Bill is not offensive nor ultra vires the Constitution.

From what I have gleaned from what the AG said, and what Miss Dixon has said, I will prefer to keep the language we have. That is not, as I said, ultra vires the Constitution. There is a Governor in Cabinet. That Governor, from all that is said, is still part and parcel.

As a Government in Cabinet, we . . . and every paper, which is a legal document for Cabinet, there is still the advice . . . the Cabinet advises His Excellency the Governor. Now, I know that is offensive to the Third [Elected] Member for George Town, but that is what we have been told is constitutionally proper, legal.

Madam Chair, I have heard the [Third Elected] Member for George Town expound on this Constitution. The world, I think, now knows that I did not vote for it because, Madam Chair, the fact is that there are far too many areas in the Constitution that say one thing and then in another area you find something else that confuses what was put into that particular section. That is what we are faced with right now.

I saw it then and I said that I did not think we were going to get the authority that was being told to Caymanian people that we had. The fact is we do not have it! The Governor has that veto power. Mind you, if I have reason to I will challenge that and I will say if you do not like what I am doing then go to London. And then he has the right to say, *Well, I will go to the Foreign Office, Secretary of State, or I will leave it as is.*

But, as far as my Government is concerned, there is a Governor in Cabinet. The Premier does not chair Cabinet unless they are both out of the territory. And I know that the [Third Elected] Member for George Town has said that is wrong. I hope he can soon prove it. It means neither to me, but if it is correct, then, it is correct. I just want to get the country's business done.

I can tell one and all this in this House that I spent a long time in my last administration trying to get a Constitution that I thought would have been a better Constitution. I did not succeed in that, although this one resembles it tremendously. But I said then,

Madam Chair, and I say it now, that the British were not seeking to give us a better Constitution. What the British wanted was the Bill of Rights and they wanted also the Boundaries Commission. And perhaps—perhaps, just maybe—they wanted a legal commission. Those are my opinions, Madam Speaker.

I chose not, in the elections, to debate it extensively; I said let people make up their minds. We had gone through enough of it. I spent a lot of time in my last administration trying to get something done and today we are practically back to square one again debating whether we have the authority or we do not.

What I will say is that I will at some point say to Mr. Bellingham that we need this thing clarified. I believe that Miss Dixon, who has substantially taken over matters from the gentleman who predominantly led the discussions, Mr. Ian Hendry (whom I have known a long time, he is still there) . . . I saw him in London. He was at some of our meetings at the Consultative Council.

But, honourable Members, let us not fool ourselves. We do not have the authority that we were being led to believe that we have. We do not have it! And if the other side sticks with going to tell the public that we have authority and that this Government is not acting according to the authority we have, then I will have to speak more about it. But I do not intend to waste a lot of time.

There are far too many greater issues for me to deal with in this awful economic time, and other challenging matters that we are faced with then for me to row about whether I chair the Cabinet, or whether the Governor has authority at some point in a matter. What I do know is that the Governor sits in Cabinet. He helps me decide the matters that go before Cabinet. He is part of the Executive to the extent that the Constitution does give him that authority. And last but not least, he has the veto powers to stop anything that he so desires.

I will have to keep the Bill out of abundance of caution I guess.

The Chairman: Can we . . . Yes, please go ahead.

The Clerk: The Tax Concessions (Amendment) Bill, 2010.

Clause 1	Short title
Clause 2	Amendment of Part III of The Tax Concessions Law (1999 Revision) - exempted companies

The Chairman: The question is that clauses 1 and 2 do stand part of the Bill.

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

Ayes and Noes.

The Chairman: The Ayes have it.

Mr. V. Arden McLean: Can I have a division please?

[inaudible interjections]

The Clerk:

Division No. 25 /10-11

Ayes: 7

Hon. W. McKeeva Bush
Hon. Michael T. Adam
Hon. J. Mark P. Scotland
Hon. Cline A. Glidden, Jr.
Capt. A. Eugene Ebanks
Mr. Ellio A. Solomon
Mr. Dwayne S. Seymour

Noes: 5

Mr. Alden M. McLaughlin, Jr.
Mr. Moses I. Kirkconnell
Mr. Anthony S. Eden
Mr. V. Arden McLean
Mr. D. Ezzard Miller

[inaudible interjections and laughter]

The Chairman: The result of the Division is 7 Ayes, 5 Noes.

Agreed by the Majority: Clauses 1 and 2 passed.

The Clerk:

Clause 3 Amendment of section 6 – Governor to give undertaking
Clause 4 Amendment of section 7 – saving re exemptions

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

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

Ayes and Noes.

The Chairman: The Ayes have it.

Mr. V. Arden McLean: Division please.

The Clerk:

Division No. 26 /10-11

Ayes: 7

Hon. W. McKeeva Bush
Hon. Michael T. Adam
Hon. J. Mark P. Scotland
Hon. Cline A. Glidden, Jr.
Capt. A. Eugene Ebanks
Mr. Ellio A. Solomon
Mr. Dwayne S. Seymour

Noes: 5

Mr. Alden M. McLaughlin, Jr.
Mr. Moses I. Kirkconnell
Mr. Anthony S. Eden
Mr. V. Arden McLean
Mr. D. Ezzard Miller

[inaudible interjections and laughter]

The Chairman: The result of the Division is 7 Ayes, 5 Noes.

Agreed by the Majority: Clauses 3 and 4 passed.

The Clerk: A Bill for a Law to amend The Tax Concessions Law (1999 Revision) to provide for tax exemption undertakings to be granted to companies in the national interest; and for incidental and connected purposes.

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

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

Ayes and one audible No.

The Chairman: The Ayes have it.

Agreed: Title passed.

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

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

Ayes.

Agreed: The Bill to be reported to the House.

The Chairman: The Bill will accordingly be reported to the House. The House will resume.

House resumed at 5.46 pm

The Speaker: The House has now resumed.
Please be seated.

REPORT ON BILL

Tax Concessions (Amendment) Bill, 2010

The Clerk: The Tax Concessions (Amendment) Bill, 2010.

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I have to report that a Bill entitled The Tax Concessions (Amendment) Bill, 2010—a process which now gives us close to \$6 million in revenue—was examined in Committee of the whole House without amendment.

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

THIRD READING

Tax Concessions (Amendment) Bill, 2010

The Clerk: The Tax Concessions (Amendment) Bill, 2010, Third Reading.

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I move that a Bill entitled The Tax Conces-

sions (Amendment) Bill, 2010—close to \$6 million in revenue—be given a third reading and passed.

[inaudible interjections]

The Speaker: I will put that in quotations.

The question is that a Bill shortly entitled The Tax Concessions (Amendment) Bill, 2010, be given a third reading and passed.

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

Ayes and Noes.

The Speaker: The Ayes have it.

Mr. V. Arden McLean: Madam Speaker, can I have a division please?

The Speaker: Yes, Member for East End.

The Premier, Hon. W. McKeever Bush: Well, I think I should give them . . . say to the guys that they can have a conscience vote if they want to lose \$6 million in revenue.

Mr. V. Arden McLean: You're going to get \$6 million revenue *[inaudible]*?

The Premier, Hon. W. McKeever Bush: In this.

[inaudible interjection]

The Clerk:

Division No. 27 /10-11

Ayes: 8

Hon. W. McKeever Bush
Hon. Rolston M. Anglin
Hon. Michael T. Adam
Hon. J. Mark P. Scotland
Hon. Cline A. Glidden, Jr.
Capt. A. Eugene Ebanks
Mr. Elvio A. Solomon
Mr. Dwayne S. Seymour

Noes: 5

Mr. Alden M. McLaughlin, Jr.
Mr. Moses I. Kirkconnell
Mr. Anthony S. Eden
Mr. V. Arden McLean
Mr. D. Ezzard Miller

The Premier, Hon. W. McKeever Bush: Ezzard you asked me for thirty something thousand dollars now, and you want to cut out \$6 million?

[inaudible interjections]

Hon. Rolston M. Anglin: That's the type of guy he is.

[inaudible interjections]

The Premier, Hon. W. McKeever Bush: How much you want?

Mr. V. Arden McLean: You're not getting no \$6 million—

The Premier, Hon. W. McKeever Bush: Sure, you're getting close to \$6 million.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: Yes.

The Speaker: We had . . . Can we . . . Order please. Can we just decide how much we are going to get? Christmas is coming. Wait 'til we get out of the House. Okay?

[inaudible interjections and laughter]

The Speaker: The result of the Division, 8 Ayes, 5 Noes.

The Tax Concessions (Amendment) Bill, 2010, has been given a third reading and is passed.

Agreed by the majority: The Tax Concessions (Amendment) Bill, 2010, read a third time and passed.

The Premier, Hon. W. McKeever Bush: Thank the Lord. Saved that \$6 million.

Mr. V. Arden McLean: Yeah, that must be *[inaudible]*.

[inaudible interjections]

The Speaker: Keep the comments . . . please keep the comments more moderate.

The Premier, Hon. W. McKeever Bush: If we get a dock we are going to get more than that.

The Speaker: Ah.

[inaudible interjection]

SECOND READING

Evidence (Amendment) Bill, 2010

The Clerk: The Evidence (Amendment) Bill, 2010, Second Reading.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: Maybe that's why you're not supporting it; because you think we are going to get the revenue and you don't want us to get the revenue.

[Inaudible interjection]

The Speaker: Second Official Member, presenting this Bill.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend The Evidence Law (2007 Revision) to make further provisions for the giving of evidence through television links; to make provision for special measures in relation to vulnerable and intimidated witnesses; and for incidental and connected purposes.

The Speaker: The Bill has been duly moved. Does the Member wish to speak thereto?

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, the provision that this Bill seeks to mirror is the United Kingdom's Youth Justice and Criminal Evidence Act, 1999, and, in particular, sections 16 to 33 of that piece of legislation. Madam Speaker, if passed, it would allow the court in its discretion to apply special measures to certain witnesses deemed to be in need of assistance, and these are, young persons under the age of 17, witnesses who are significantly impaired (mentally or physically that is), witnesses who are in fear or distress such that the quality of the evidence may be affected, and, of course, complainants in sexual cases.

Clause [3] of the Bill, Madam Chair . . . 41F, Child witnesses, once there is proof of age, would be deemed without further consideration to be in need of special protection if they are to give evidence in relation to any sexual, kidnapping or abduction, assault, firearm, or violent offence. The special measures which may be applied, Madam Speaker, are as follows:

- 1) A screen or arrangement which will prevent the accused from seeing the witness.
- 2) The witness will give evidence by live television link even where he is present in the jurisdiction in the Cayman Islands.
- 3) That a video recording of the witness be admitted as evidence in chief of the witness.
- 4) That a video recording of any cross-examination or reexamination of the witnesses be admitted as evidence in the case.

In deciding whether to apply such special measures to any witness in the course of a trial the court shall take into account a number of factors, including where the witness is fearful or any behaviour towards the witness on the part of the accused or his associates and shall consider the wishes of the witness.

For a non-child witness with respect to the admissibility of video recording as evidence, the court must consider whether it is in the interest of justice that the recording be so admitted and the overall in-

terest of justice to include any possible prejudice to the accused person, of course.

These provisions would add to the layers of protection presently available to child witnesses and others, in particular where a witness cannot remain anonymous but may be fearful when faced with the prospect of testifying before an accused person. The special circumstances must exist and the court must, of necessity, weigh all factors before making an order that the special measures be applied.

Madam Speaker, there are several provisions in the Bill, but what I have done is crystallise the import of it and I would certainly commend it to all honourable Members of this House.

Thank you.

The Speaker: Does any other Member wish to speak?

Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

Madam Speaker, more often than not in the past years when I have had the opportunity and obligation to debate these types of Bills brought by the Honourable Second Official Member, I have had to devote significant amounts of time to criticism, usually on the basis that what was being proposed somehow eroded an accused's rights or sought to reverse the onus of proof, or to generally make it easier for the prosecution to get a conviction.

But I am happy to say, Madam Speaker, that this Bill which makes provision for special measures in relation to vulnerable and intimidated witnesses and so forth, having looked at it quite carefully over the last few weeks, I am happy to say that, generally speaking, I am satisfied with not just the intent but the effect of what is being provided. I think it actually will go some way to assist with the conduct of criminal trials and make life easier for witnesses, particularly the younger and vulnerable and intimidated, to be able to assist in giving the evidence so that those who are guilty of these very serious offences will get their just rewards.

So, Madam Speaker, with the lateness of the hour and the fact that I gather the Premier has a big speech to make subsequently, I am not going to spend a great deal of time going into the details of this Bill. I believe that the short introduction given by the Honourable Second Official Member is reasonable enough and that it went far enough, certainly in my mind, to explaining the basis for the Bill. I think I can speak for my colleagues behind me, that we all offer this Bill our full support.

The Speaker: Thank you, Third Elected Member for George Town.

Does any other Member wish to speak?

The Premier, Hon. W. McKeeva Bush: In other words, Madam Speaker, the Third [Elected] Member for George Town says he recognises—finally—what good governance is all about.

[laughter]

The Speaker: Does any other Member wish to speak? And not the Premier.

Does any other Member wish to speak?
[pause]

[inaudible interjection]

The Speaker: If not, I will call on the Second Official Member to conclude the debate.

Mr. V. Arden McLean: Time to get up and say thanks.

Hon. Samuel W. Bulgin: Thank you. Thank you, Madam Speaker.

I am entirely grateful to all honourable Members for their support and, in particular, to the Third Elected Member for George Town for his eloquent support of the Bill.

Thank you.

The Speaker: The question is that a Bill shortly entitled, The Evidence (Amendment) Bill, 2010, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it. The Evidence (Amendment) Bill, 2010, has been given a second reading.

Agreed: The Evidence (Amendment) Bill, 2010, given a second reading.

The Speaker: The House will now go into Committee to consider this Bill.

House in Committee at 6.00 pm

The Chairman: The House is now in Committee. Please be seated.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in this Bill?

Would the Clerk please state the Bill and read the clauses?

COMMITTEE ON BILL

Evidence (Amendment) Bill, 2010

The Clerk: The Evidence (Amendment) Bill, 2010.

Clause 1

Short title

Clause 2

Amendment of section 37 of the Evidence Law (2007 Revision) – evidence through television links

The Chairman: The question is that clauses 1 and 2 do stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it. Clauses 1 and 2 will stand part of the Bill.

Agreed: Clauses 1 and 2 passed.

The Clerk:

Clause 3

Insertion of new Part IIIA in the Evidence Law (2007 Revision) – special measures directions in cases of vulnerable and intimidated witnesses

The Chairman: The question is that clause 3 stand part of the Bill.

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

Ayes.

The Chairman: Clause 3 will stand part of the Bill.

Agreed: Clause 3 passed.

The Clerk: A Bill for a law to amend the Evidence Law (2007 Revision) to make further provision for the giving of evidence through television links; to make provision for special measures in relation to vulnerable and intimidated witnesses; and for incidental and connected purposes.

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

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

Ayes.

The Chairman: The Ayes have it. The Title stands part of the Bill.

Agreed: Title passed.

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

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

Ayes.

The Chairman: The Ayes have it. The Bill will accordingly be reported to the House.

The House will resume.

Agreed: The Bill will be reported to the House.

House resumed at 6.04 pm

The Speaker: The House will now resume. Please be seated.

REPORT ON BILL

Evidence (Amendment) Bill, 2010

The Clerk: The Evidence (Amendment) Bill, 2010. Report.

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: thank you, Madam Speaker.
Madam Speaker, I beg to report that a Bill shortly entitled, The Evidence (Amendment) Bill, 2010, was considered by a Committee of the whole House and passed without amendments.

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

THIRD READING

Evidence (Amendment) Bill, 2010

The Clerk: The Evidence (Amendment) Bill, 2010. Third Reading.

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled, The Evidence (Amendment) Bill, 2010, be given a third reading and passed.

The Speaker: The question is that the Bill shortly entitled, The Evidence (Amendment) Bill, 2010, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it. The Evidence (Amendment) Bill, 2010, has been read a third time and passed.

Agreed: The Evidence (Amendment) Bill, 2010, given a third reading and passed.

MOTIONS

Government Motion No. 9/2010-11—Government Guarantee in respect of a credit facility for the Cayman Islands Development Bank (CIDB)

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Thank you, Madam Speaker.

Madam Speaker, I beg to move Government Motion No. 9/2010-11, which is captioned "Government Guarantee in respect of a credit facility for the Cayman Islands Development Bank (CIDB) and further reads, Madam Speaker:

WHEREAS on 7th December 2010, the Governor in Cabinet authorized that the Legislative Assembly's approval be sought for the issuance of a guarantee in the principal amount of US\$5,000,000 to FirstCaribbean International Bank (Cayman) Limited ("FCIB") to support the CIDB's ongoing lending programme.

CIDB has invited proposals from local banks and FCIB has offered a 5 year credit facility to CIDB for US\$5,000,000 at a floating rate of 180-day USD LIBOR plus a margin of 275 basis points. The current effective floating rate is 3.2 per cent and CIDB will have the option of fixing the rate for the term of the facility as provided for therein.

AND WHEREAS section 17 of the Development Bank Law provides that the Governor in Cabinet shall not guarantee the borrowings of CIDB unless a statement of the proposed guarantee has been laid before the Legislative Assembly and a resolution approving that statement has been passed by the Legislative Assembly, and section 8 of the Public Management and Finance Law (2005 Revision) provides that, as a general rule, no guarantee may be given by or on behalf of the Government unless it has been authorized by a resolution of the Legislative Assembly;

BE IT NOW THEREFORE RESOLVED that, in accordance with section 17 of the Development Bank Law (2004 Revision) and section 8 of the Public Management and Finance Law (2005 Revision), the Legislative Assembly hereby approves the statement laid before the Legislative Assembly in respect of the proposed guarantee and hereby authorizes the Governor in Cabinet to issue a Government Guarantee to FirstCaribbean International Bank (Cayman) Limited in such manner and on such conditions as he thinks fit for the repayment of the principal sum of US\$5,000,000, the payment of interest on and the discharge of any other financial obligations in connection with such principal sum in accordance with the provisions of section 17 of the Development Bank Law (2004 Revision) for the purpose of supporting its ongoing lending programme.

The Speaker: The Motion [has been duly moved] and is open for debate. Does the Honourable Minister wish to speak thereto?

Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, as was noted earlier in my statement, it should be clear to honourable Members that while the Cayman Islands Development Bank received initial approval from this honourable Legislative Assembly for this funding back in March of this year, the Development Bank has not been able to complete the placement of this credit facility until now, for various reasons.

The Motion before us now provides clearer definition to the Government Motion presented back in March of this year which sought the approval of the Legislative Assembly to guarantee a loan facility of \$5,000,000 from a local lending institution which, at the time, had not yet been determined. After seeking and receiving proposals solely from local banks, the Board of Directors of the Development Bank has evaluated the bids received and has approved acceptance of the offer from the FirstCaribbean.

The Ministry of Finance has confirmed that the Guarantee of \$5,000,000 has already been included in Government's net debt ratio calculations, and, thus, Madam Speaker, there are no further financial implications for Government arising from this transaction based on the fact that this was already calculated and taken into account back in March this year when the funding was initially approved.

With that, Madam Speaker, I commend the Motion to all honourable Members.

The Speaker: Does any other Member wish to speak?

Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, there is no objection on our part to what is being proposed. As the Premier has explained, this relates to . . . well, it is actually a clarification of an earlier Guarantee.

The one point that I am unsure about . . . because we have just gotten the Motion and I have not had a chance to look at the Law . . . I have asked the Serjeant to kindly see if he can get a copy of the Law so I can look at what section 17 actually says. But I am a little confused.

I know the Minister made a statement to the Legislative Assembly about this matter earlier in the day, the statement to which the third paragraph of the Motion refers when it says, and I quote: "**AND WHEREAS section 17 of the Development Bank Law provides that the Governor in Cabinet shall not guarantee the borrowings of CIBD unless a statement of the proposed guarantee has been laid before the Legislative Assembly and a resolu-**

tion approving that statement has been passed by the Legislative Assembly, . . ."?

I don't recall any statement being laid. "Laid," infers to me the placing the statement on the Table of the House. Nor do I recall any resolution of the House in relation to that. Is this . . . What sort of statement is this? Is it a statement of accounts? Or is it a statement that is . . .? Because I have not had a chance to look at the Law I do not know what the answer to this is. I am just anxious that we do this right because there was a problem the last time around—which is why we are here today.

I am not opposing it at all, I want this to go through but I want to make sure we have done it correctly.

The Speaker: Does any other Member wish to speak?

[pause]

The Speaker: Does any other Member wish to speak?

First Elected Member for Cayman Brac and Little Cayman.

Mr. Moses I. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, I rise to support the Motion that the Premier has brought. Every time he brings one on the Development Bank he knows that he is going to usually get support from this Member, because I think it is one of the most valuable tools that we have and we need to use it and fund it.

This document shows a floating current effective rate of 3.2 per cent. If I am correct, I believe this is the lowest rate that we could have attained, so I send compliments for that.

Madam Speaker, that leads to the rate that the bank itself charges to its customers. The importance of the Development Bank is two-fold to the economy at this point in time because it gives us an opportunity to try to stimulate small business. And if we can take this interest rate and manage it in a way that it offers the stimulus that small businesses really need at this point . . . you, see Madam Speaker, that small businessman needs money, the funding for the idea that he has. He needs help from the standpoint of the mentor. The Bank itself with the staff they have offers that mentoring.

The last time a document like this was brought to this honourable House I asked the Premier for a commitment to make sure that Cayman Brac and Little Cayman were included. I will happily report to this honourable House that we are included. The management and staff have provided a presence on the Brac. They let people know when they are coming and they meet on a timely basis at convenient hours with the people who need the help.

Most of the input that I get from the small business and the young families that are looking to

use this loan for a house is that the Development Bank itself is not competitive with the commercial banks. And, Madam Speaker, I believe that that is the flaw that we have to work on. The starting point of the interest rate, which seems to have come back better, is something that I would like the Premier to consider looking at, instead of, building it from the bottom and saying we get this money for 3.2 per cent and then we have a cost of doing business that we add on top of it and then when we go into the market to help the people that this is designed to help, it is more expensive than the commercial bank.

If it were looked at from the standpoint that this is a small focus for stimulus for a very needy group of people and we say, *Let us look at an interest rate that's less or equal to the commercial bank that is available to them now*. And let us make sure, as they do, that the mentor is there to help and guide in how the money is spent, I believe that it would reach the vision and the purpose that it was developed for to start with.

Madam Speaker, it is a very important part of what can be used to help the struggling economy, especially for the people it has identified to help. So, I am very happy to support this, this afternoon, and I commend the Premier for bringing it.

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

If not, I call on the Honourable Premier to conclude the debate.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I thank the Member for Cayman Brac for his support, and will endeavour to check on those matters.

Madam Speaker, the statement we made this morning is the statement that we are required to make. That is my understanding from the Ministry staff on the Board. It lays out what the terms of the Guarantee should be.

Madam Speaker, the statement is made to the House. The House has a copy of that. It's verbatim. And that statement should be passed around to Members. So, it is a public statement.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: Madam Speaker, the—

The Speaker: Ah, Honourable Premier, do you want, out of an abundance caution, to lay that statement on the Table now?

An hon. Member: Yes. Yes, man.

The Premier, Hon. W. McKeever Bush: Well, Madam Speaker, yes I can do that. But, obviously, that was done when it was passed around. But if . . . the purpose of laying a document on the Table of the honourable House is to make it public.

The Speaker: I understand that.

The Premier, Hon. W. McKeever Bush: And so we passed it around to Members—that is the same thing. The Clerk gets it, the House gets it, the press gets it, and people hear it on the radio.

But I can lay it, put it formerly, let's say . . . lay it on the Table of this honourable House. And, Madam Speaker, that would satisfy your . . . ?

The Speaker: I am trying to satisfy all Members that we have completed the process.

The Premier, Hon. W. McKeever Bush: Okay.

[pause]

The Premier, Hon. W. McKeever Bush: Madam Speaker, section 17 of the Development Bank Law provides that the Governor in Cabinet shall not guarantee the borrowings of the Development Bank unless a statement of the proposed Guarantee has been laid before the Legislative Assembly, and a resolution approving the statement has been passed by the Legislative Assembly.

So, Madam Speaker, this morning when I made the statement that was for Members. Members have that. I can lay this on the Table as it was . . . there should be a copy, because Members getting a statement would have a copy on the Table in any event. But I will ask that that be put there, Madam Speaker.

The Speaker: So ordered. And that way we have covered everything.

The Premier, Hon. W. McKeever Bush: That should satisfy the confusion that is being created by they who say they support but like a little confusion here and there.

So, Madam Speaker, the statement outlining the terms of the Guarantee has been made. And, Madam Speaker, the resolution is now before us to either accept or not to accept. And that was what I read earlier, Madam Speaker.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED that, in accordance with section 17 of the Development Bank Law (2004 Revision) and section 8 of the Public Management and Finance Law (2005 Revision), the Legislative Assembly hereby approves the statement laid before the Legislative Assembly in respect of the proposed guarantee and hereby authorizes the Governor in Cabinet to issue a Government Guarantee to FirstCaribbean Interna-

tional Bank (Cayman) Limited in such manner and on such conditions as he thinks fit for the repayment of the principal sum of US\$5,000,000, the payment of interest on and the discharge of any other financial obligations in connection with such principal sum in accordance with the provisions of section 17 of the Development Bank Law (2004 Revision) for the purpose of supporting its ongoing lending programme.

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

Ayes.

The Speaker: The Ayes have it.

Government Motion No. 9/2010-11 is duly passed.

Agreed: Government Motion No. 9/2010-11 passed.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: I had notice from the Honourable Premier that he wished to lay another document on the Table and to make a statement.

Premier's Plan for Sustainable Economic Success

The Premier, Hon. W. McKeever Bush: Thank you, Madam Speaker.

Madam Speaker, on 16 September I spoke to the country about the state of the economy. I promised that Government would develop policies and measures that would put the Cayman Islands back on the path that had created its success and that I would again speak to the country to inform them of those measures and policies.

Thanks to the hard work of the stimulus implementation group led by Mr. Jude Scott, Doctor Dax Basdeo, and Mr. Samuel Rose from the Ministry, and the enthusiastic contribution of organisations and individuals in the community, I am happy that I can now share the steps we are taking to stimulate the economy.

The economic stimulus plan that I will announce tonight comes from a broad range of resources. The preliminary work of the stimulus implementation group entailed reviewing over 250 measures drawn from suggestions or reports, such as the Miller/Shaw Report, the Foreign and Commonwealth Office (FCO) three-year budget as agreed with us, the National Investment Council (Cayman) Inc. (NICCI) Report, the Tourism Advisory Council's Report, the Financial Services Council Sub-group on Strategic Directions, recommendations from the Cayman Contractors Association, recommendation from the Civil Service Association, recommendations from Cayman

Finance, suggestions from the Immigration Review Team, and many others.

After reviewing all of the measures the stimulus implementation group assisted the Government in the selection of a preliminary list of action items based on feasibility, national priority, and the potential to have a benefit to the economy in the next three-to-six months, or what could be started now in order to have an impact in the medium to long term.

Let me [preface] further comments by first pointing out, Madam Speaker, that these policies and measures that my Government is initiating will not cause a full turnaround overnight. We all recognise this: We would have to have a magic wand, Madam Speaker, of some kind to do that. It will be a slow, yet gradual process. However, if these measures are faithfully applied, I believe that we will see positive results during the coming year. Long-lasting success will also mean embracing a drive for excellence and creating a new business model based on innovation, reliability, responsiveness, and a welcoming business environment.

Some of what I will announce tonight reduces the cost of living for families. Other aspects of this stimulus package will create jobs. Some will provide for a more attractive business climate, improve the financial services and tourism sectors, prepare our young people to join the workforce, and diversify the economy.

While some measures of the economic stimulus plan create temporary jobs through government employment, the position of my Government is that jobs must also be created by private businesses.

If the Government were to launch, Madam Speaker, a New Deal type jobs programme in which the Government provides broad-based employment, this would be unsustainable and far too costly for these small islands with our small revenue base.

Therefore, Madam Speaker, Government's measures are designed to stimulate business activity in the private sector and thus ensure sustainability over the long term. Job creation that is sustainable over the long term impacts heavily on the business environment and, in turn, contributes to government revenues that fund our Social Services. By promoting discipline in government spending and strategically prioritising projects, we are seeking to target key areas that will stimulate economic growth, enhance the business environment and ultimately create much needed employment.

We are therefore committed, Madam Speaker, to moving forward with the following short-term economic stimulus measures. Some of these have already been announced and elaborated upon, but they are now in the hands of the stimulus group for implementation.

To provide some temporary relief to the cost of living we are engaged in discussion with several banks and commercial lenders to offer a voluntary moratorium on principal payments. In other words,

interest only payments starting in January 2011 for the next three to six months for loans that are in good standing. A commitment has been received from Cayman National Bank to support this initiative and the discussions are ongoing now with other banks.

In addition, the Cayman Islands Development Bank will be assisting some small local businesses with a voluntary moratorium on payments for the months of January (that is on payments for the months of January and February of next year for those who request it). We recognise that some people might not want to take this matter up.

Presently, under consideration is the reduction of import duties on select items on a temporary basis beginning in January 2011. Further announcements will be made to clarify which imported items will qualify for these reductions as they are implemented.

These reductions are intended to provide additional relief to the present cost of living, but the House will be reminded, Madam Speaker, that this has to be done cautiously, because, as I have said, we have an agreement with the Foreign and Commonwealth Office for the three-year budget that is expected to return the country to a balanced budget and thus help us with not having to go to the UK to get their agreement on matters. First, the budgets must be balanced.

The successful PRIDE (Personal Responsibility in Delivering Excellence) cleanup campaigns are once again being undertaken. Employing between 700 to 800 people, this campaign is providing much needed income to people who would otherwise be unemployed.

To create a better business climate several aspects of immigration reform will be implemented. First enhancement options for residency will be undertaken in order to attract foreign investors and high net-worth individuals. These include:

- a 25-year renewable residency certificate with a right to work offered to any person exercising substantial management or control over an approved company establishing a substantial business presence in the Islands;
- a 25 [year] renewable residency certificate without a right to work for individuals investing in developed real estate of \$500,000;
- permanent residency for individuals investing in the developed real estate valued at least \$2.5 million.

Additionally, we will be reviewing visa requirements to better facilitate legitimate business travelers and visitors from China.

Visa exemptions will be put in place for Jamaican nationals who hold validated US, UK or Canadian visas. To assist established businesses a new one-to five-day business visa will also be introduced for those business travelers visiting for legitimate business purposes.

In an effort to become more customer friendly, procedures at the airport are being reviewed so that business travelers attending meetings on the Island will be greeted by a truly welcoming atmosphere, as we ought to continue doing, Madam Speaker, because that is something that we have been used to.

I believe that these changes in immigration policy, Madam Speaker, will make the Cayman Islands more attractive to our investors, make it easier to do business and bring stability to business generally.

Our tourism industry is a vital sector of our economy. To ensure that our tourism product remains attractive and competitive with an increase in the dollars our tourist spend with us, we will:

- Develop and implement the strategies to increase target market visitor arrivals, improve the tangible and intangible visitor experience via driving for a more customer-friendly product and facilitating improvements to the Spotts Dock.
- Develop a private and public strategy for national beautification and co-ordinate efforts for Island wide beautification.

Cayman Airways and the Department of tourism are now working in close alignment to make the best use of the National Airline and to work with sports organisations to develop a sports tourism strategy.

The financial services industry is a keystone of the success that the Cayman Islands have achieved over the last 40 years. We must ensure that our financial industries' international image is a positive one and continue to demonstrate to the world that we are a leading and innovative financial centre with high standards of excellence.

One of the ways to achieve this is to increase the number of financial services operations with a physical presence in the Cayman Islands. In collaboration with key financial sector stakeholders, a promotional strategy to encourage physical presence in financial services operations will be unveiled in the first quarter of 2011.

The strategy will, at the very least, bring our jurisdiction in par with our competitors in terms of international, promotional, and marketing efforts. The success of this promotional strategy will not only address what is known as the substantial presence issue, which we are now told we must have, but will also create new white collar jobs by supporting top quality organisations to combine their talent with the talent present in the Cayman Islands.

Government, Madam Speaker, including myself, have had to travel extensively to promote and convince the international community that these Islands are open for business. This has cost approximately \$400,000.

Madam Speaker, a question on FOI, Freedom of Information, has come in about this. I am glad that I am able to make that announcement. They will get their answer. I don't know what good it will do them

but, anyway, this has cost approximately \$400,000 and involves 14 individuals, including myself, since June of 2009, or roughly \$22,000 per month. But the cost is small in comparison to the benefits brought throughout the financial services and tourism industries to these Islands.

In addition to our placement on the OECD white list, the latest statistics from the Cayman Islands Monetary Authority (CIMA) and the Registrar of Companies show signs of a turnaround in the financial services industry. For instance, we are registering roughly 100 net hedge funds per month, and once again, close to tipping the 10,000 mark in fund registrations, which had declined, Madam Speaker.

We are close now to our all-time high and, should our growth continue at its current rate, we will surpass that previous peak in the next year.

So, Madam Speaker, the \$22,000 per month spent on travel for 14 or 15 people is costly, but certainly worth it to ensure the success of our key financial services and tourism industries.

A short-term stimulus measure currently under consideration is whether a temporary reduction of stamp duty will be beneficial in helping to energise the real estate industry in conjunction with complementary measures from the private sector. Those complementary measures meaning, if the Government reduces, whether [or not] sales people, companies, will accept a reduction in their commissions. We are now in discussions with CIREBA (Cayman Islands Real Estate Bankers Association) on this matter.

Obviously, Madam Speaker, the reduction of stamp duty is a measure to entice business to come. If we are doing that and the rates are still high, obviously, the person who is purchasing finds a drawback, so that is why the discussion is being held with CIREBA about the reduction in commissions to companies and agents.

Turning to efforts to diversify the economy, the Government will also seek to fulfill its commitment to Doctor Shetty for the proposed Narayana Cayman [University] Medical Center. Government will continue to use our best endeavours to fulfill our obligations under the agreement. We hope to see the first phase of this hospital begin next year in the first quarter and we will work closely with Doctor Shetty's team to ensure the benefits anticipated to the Cayman Islands and Caymanians will be realised, such as employment and career opportunities and economic spinoffs that will support local entrepreneurship.

Other high priority projects are being reviewed and the Government has committed to support these projects that prove to provide substantial benefits to the country. I would specifically point to the ongoing progress that is being made in relation to the George Town Cruise Port Development project, the sewerage system, road works and the Waste to Energy project.

During 2011 and 2012 the Camana Bay Development expansion project will incur between \$80 million to \$100 million annually. Planning permission

has already been granted. We expect that project to employ 300 Caymanians and we expect them to be beginning in the first quarter of next year as well. Government has committed to facilitating this development in order for benefits to the economy to be realised.

In early 2011 we will seek to make an amendment to the infrastructure fee provisions in the Development and Planning (Amendment) Law, 2010, in order to make infrastructure fees due at the completion of a project. This measure will be welcomed by the development sector as it gives people more time to generate funds from sales prior to having to pay those infrastructure fees.

Under my Government's stewardship, the re-commencement of the new high schools project will provide much needed additional stimulus to the struggling construction industry. A particular note in the Ministry of Education's innovative approach, which will result in some 70 construction work packages being tendered this financial year (meaning up until May next year). These packages are worth approximately \$14 million. This approach will result in a wide range of contractors, both large and small, benefitting not just a select few as has happened before. This will be a welcomed relief to the many hardworking Caymanian families who rely on the construction industry for their livelihood.

The new primary schools building programme will commence in the first quarter of 2011, for money is in the budget for that, giving the construction industry, an additional boost. That, Madam Speaker, is very important as we recognised that our primary schools in the districts, while we sought to build two large high schools, the primary schools were left unattended to, to a great degree.

Madam Speaker, we have now to spend some money. For instance, in Bodden Town that will cost, I think in the region of \$1.7 million for that classroom project. Small construction companies can do this, of course, they have to be qualified. But it does not take a tremendously huge company to get that kind of work. This will give an additional boost, while at the same time providing our primary school buildings with a much needed upgrade and much needed facilities for those children in the districts.

I should say, Madam Speaker, that [that] received good support from Mr. Bellingham when we dealt with the budget earlier this year.

We must also acknowledge that high quality and relevant education and training are necessary for economic and employment growth and for social development. It can help individuals to become more employable and stay employable in our rapidly changing labour markets. It can also provide second chances for our young people and adults who find themselves unable to get a promotion, or who now fill the unemployed registers at the Department of Employment Relations.

The Ministry of Education, Training and Employment is in the midst of reorganisation of the Department of Employment Relations into a new Department of Labour and Pensions, and a Human Capital Development Agency (the HCDA). The HCDA will focus our training and empowerment initiatives to position Caymanians to fully benefit as the economy improves.

In order to better prepare our young people to join the workforce we will continue with the highly regarded Passport2Success training programme. The creation of jobs will be meaningless if young Caymanians cannot benefit from them.

I am giving the House an outline of the short term measures selected by the Government. Some of them will require specific details to be approved by Cabinet, others will need further discussion with the private sector to ensure the maximum benefit is realised. Nevertheless, Government will pursue these short term stimulus measures with the urgency that our economic and financial situation demands. It will take time to see the full results, but we must stay the course if our efforts are to bear good fruit.

There will be bumps and obstacles in the way, but we must overcome them, for we all know nothing good comes easy. Times are still challenging, globally, but we must also acknowledge that our beloved country is still in a better position than many. We are still one of the best places to live and work and we continue to generate world class services and products that demonstrate the quality, innovation and leadership across all sectors.

Madam Speaker, we have allowed small segments of society to gain a disproportionate voice in an attempt to create divisiveness and fear in our community. That needs to end now! Being continuously negative in public places and acting in a berating and threatening manner for the entire world to see will not help the country. When those who encourage this type of behaviour pick up and abandon these Islands, we, my dear and fellow colleagues, the generations to come—our Caymanians and the generations to come who are depending on us—will be the ones left behind to suffer in the wake of this negativity.

With over 40 years' of stability in financial services, stability in tourism, development in our social base, I believe, I firmly believe, that the resilience and innovation we have built on as a country will continue to position the Cayman Islands for renewed economic success.

Madam Speaker, it is time to move forward and move forward we shall.

Madam Speaker, throughout my life, I have always trusted the Good Lord to lead and direct me in good times and in rough and uncertain times. He has not failed me yet. I believe that God is working His purposes out in these Islands. I have placed my trust in Him and if we do our part God will not leave us nor forsake us.

Madam Speaker, I lay on the Table of this honourable House this Plan for Sustainable Economic Success.

The Speaker: So ordered.

The Premier, Hon. W. McKeever Bush: Thank you very much, Madam Speaker.

The Speaker: That concludes the business of the House on the Order Paper. May I have a motion for adjournment please?

Christmas Greetings from Members

The Premier, Hon. W. McKeever Bush: Madam Speaker, it is proposed that we will not conduct any further business before the Christmas Holidays, or that we will not conduct any business in the House until January.

There are a number of Bills including the District Council, the Health Services Bill, and some other legislation that we will take in January, Madam Speaker. But for now, Madam Speaker, we ought now to go home, as many of us that can do, and be with our families. After all, Madam Speaker, when we lose our time with them . . . and, Madam Speaker, cannot get to see our parents, those of us that still have mothers and so on left, because we are stuck in doing the Government's business, the country's business. We need to stop, take time and think.

There's more to life than politics and there is other business besides this matter of running the country. It will continue, of course, and the issues are not going to go away. But I encourage all Members to go home and be with their families and find time to spend with seniors, especially those who cannot get out in our districts.

Madam Speaker, the Christmas Season is now upon us and I want to offer Christmas greetings, Madam Speaker, and best wishes to you and your family. And I hope you take some time, Madam Speaker, to be with your family, some here and some overseas. It will be a well-deserved rest for you, as I know you have had a strenuous and challenging inauguration in this House in the last 16 months.

Certainly, Madam Speaker, we want to wish the Clerk and the staff, the Deputy Clerk and all the other workers here, the recorders, the front office staff, Madam Speaker, members of the press and all those who attend and bring food for us on a daily basis while we are here. As I said, there's more to life than this thing we call politics and this place we call the Legislative Assembly.

I want to thank all those in my various departments, who, Madam Speaker, work hard continuously to bring the Government into a better position and to bring the country, throughout all sectors, [into] a better situation. We do have some good very, very good civil servants, Madam Speaker, who work real

hard and we cannot forget them. And so we want to wish them and their families well.

To those, the Police Service, the Fire Service, and all those in the various uniformed branches of Government. We need to thank them for helping to keep us as safe as possible in given times.

Madam Speaker, each Member here would perhaps want to say their own Christmas greetings, but certainly, Madam Speaker, on behalf of Government, I offer those greetings to everyone.

To the new Serjeant, we want to wish him and his family all the best.

Christmas is upon us. It is the time to be happy. I like that Christmas Carol that says . . . the one entitled "Oh Holy Night" that talks about hope. Hope! That's my prayer, that we will have a blessed New Year, a healthy New Year, and some hope for better times.

My Christmas theme is "Tolerance" because we need it, Madam Speaker. We need to be much more tolerant as a community than we are. That is my Christmas theme. That will be my New Year's message as well.

That's all. Have a good time with your families as we enjoy and remember the true meaning of Christmas—that God so loved the world that he gave his only-begotten Son and created that first Christmas that we now celebrate.

The Speaker: Thank you, Honourable Premier.

Does any other Member wish to speak?
Member for East End.

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

Madam Speaker, this is one of the few times in the last 10 or 11 Christmases that I have been here that we are getting out early. We usually work straight down to the day before Christmas.

But, Madam Speaker, through this medium I wish to express good wishes to all the people of this country, in particular the people of East End who gave me this privilege to be here.

I know that these are tough times on our people, tough economic times. And sometimes it seems like it will never end. But I promise the people of this country it will. And in the meantime this is the season to be joyful. This is the season to spend time with family. And, like the Premier said, there has to be something other than politics, and it has to be family. It has to be family.

I would also like, Madam Speaker, to express good wishes to all the Members of this Legislative Assembly; to your good self, Madam Speaker; to all the staff that I give so much trouble to. I wish for them and their families a very joyous Christmas and a wonderful and hopeful New Year. The staff here has always been extremely tolerant of all the Members and I think they have to be applauded—

The Premier, Hon. W. McKeever Bush: Oh yes!

Mr. V. Arden McLean: —for putting up with 15 of us. And this is the time that we can wish them joy and hope for the coming year, and again to the country in general, Madam Speaker, and to the people of East End, in particular.

Oh, for the days when we used to back sand off the beach and have Christmas.

The Premier, Hon. W. McKeever Bush: No sir!

Mr. V. Arden McLean: Oh, for those days.

[inaudible interjections]

The Premier, Hon. W. McKeever Bush: Good times, but I don't want to go back there. Too much mosquitoes!

Mr. V. Arden McLean: But, Madam Speaker, we can still cut pine trees for Christmas trees.

The Premier, Hon. W. McKeever Bush: Yes!

Mr. V. Arden McLean: That is the Caymanian way of doing it.

The Premier, Hon. W. McKeever Bush: I hear that Arden!

Mr. V. Arden McLean: And I hope many of us will do that this Christmas and remember what Christmas is about.

And to all the Members here and all the people near and wide in this country, remember that God loves a cheerful giver. And this is Christmas—give that which you can to whomever it is.

Thank you very much, Madam Speaker.

The Speaker: Thank you, Member for East End.

Does any other Member wish to speak?
The Minister for Community Services.

Hon. Michael T. Adam: Thank you, Madam Speaker.

I rise to echo the sentiments of my fellow colleagues. Especially, Madam Speaker, I would like to wish you and the staff of this honourable House a very blessed Christmas and a most prosperous New Year, all of my colleagues in this House, their families, and all the people of these fair Cayman Islands, especially my George Town Constituents.

I would like to also thank my constituents for the confidence they have instilled in me, and I promise to continue to give of my best.

I would also like to thank and wish my family, my wife, my children, my mother and brothers and their families, a blessed Holiday Season.

I would also like to thank my Ministry staff, the Department of Children and Family Services, the Department of Counselling Service, the Children and Youth Services Foundation, and the National Housing

Development Trust, respective boards, staff and their families, a happy and healthy Holiday Season.

In closing, I would like to encourage the people of these fair Cayman Islands to be their brothers' and sisters' keeper, especially during these festive times. Offer service to others in need, lend a hand and reconnect with the community. Offer assistance where you can and make a difference. And in the New Year be the change you want to see.

And may God continue to bless this country and each and every one of us.

Thank you, Madam Speaker.

The Speaker: Thank you, Minister for Community Services.

Does any other Member wish to speak?

Second Elected Member for Bodden Town.

Mr. Anthony S. Eden: Thank you, Madam Speaker.

I too would like to echo the many kind sentiments we have heard here this evening. I must say that when the Premier came in this morning, and during the day, I sensed around him a different aura from how it can be at times. It was a warm and fuzzy feeling generated on both sides of this Parliament. I would like to see that go forward into the New Year where we act more civil with each other.

We, as mature adults should now at this stage in our lives have the ability to have different viewpoints without pulling out the jugular vein.

Madam Speaker, I would like to offer to you . . . and I know this is the beginning of a long and arduous time for you dealing with the children, your seniors in Bodden Town and so on. And also all of the staff here at the Legislative Assembly: The Clerk, Anita, and all those who have prepared. Welcome to the new Serjeant. I think he has made a commitment, like me, to lose a few pounds, and I would encourage that wherever possible.

Of course, this is not a good time of the year to do that with all of the fruit cakes and things around. And anyone who knows me knows that I just love them!

On behalf . . . and I know my colleagues will also speak about our constituents in Bodden Town, I want to offer them a very special healthy Christmas, Merry Christmas and may it go forward into the New Year. And that can be extended to all of the people of the Cayman Islands, because, Madam Speaker, if we do not have good health it is difficult to enjoy this festive Season.

My colleagues here, with whom I enjoy a very good relationship, I would like to offer special Christmas greetings to them and their families and for the way that our families put up with us, the long hours. We will endeavour, as my colleague from East End said, to be generous, and I don't have to say that to any of you out there because they talk about the salaries we make, well, we all know where that money goes.

We are blessed that we can have that opportunity to help some of those who are less fortunate. And that is what Christmas is all about. It is the Season. And we must remember behind the season, the Season when Jesus came. Born, grew into an adult, eventually gave his life so that we could live with him for eternity in paradise, in mansions he has built. Because when we see the difficult times around us, so much doom and gloom around, we just hope and pray that all of us here in Cayman will look forward to a better day and prepare towards that end.

I would like to come to an end by encouraging parents to be with their young children at this time of year. Madam Speaker, this is very special to young children and I would encourage fathers, mothers, caregivers, wherever possible spend that valuable time with those children. There is nothing more important in life than the investment we make with those children. We, as parents, know what that is like.

No matter how good we are sometimes in bringing them up, there will always be a stray. But if we set an example, Madam Speaker, we can look forward down the line that they will come back to that straight and narrow.

We are so blessed here in Cayman when we see that the tragedy which continues in the great United States with the abuse of their children . . . I cannot believe what is happening to our neighbours to the North.

Finally, in closing, I want to wish us all good health, a Merry Christmas and in the New Year, success and continue improvement for our people here in the Cayman Islands, that things will not be as difficult they have been over the last few years.

May God bless us all!

The Speaker: Thank you, Second Elected Member for Bodden Town.

Does any other Member wish to speak?

Third Elected Member for Bodden Town.

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

Christmas is a very special time to me and for many people. I would like to wish you, Madam Speaker, and your family, and the Clerk, her staff, the Serjeant, the civil service, my colleagues and their families, I would like to wish our committees in Bodden Town, the District Council and all their families, the people of Bodden Town who sent me here. This is my second Christmas in the House. I thank you so much for seeing it necessary to send a person like myself here to this honourable House.

As I mentioned earlier, Christmas is a special time to me. As I said at a function on Sunday night, there were many Christmas times when I did not get a gift and it was not a very pleasant situation when my parent came to me and said "I can't give you a gift right now. We'll have to wait another couple of weeks." and everyone else on Christmas day riding

around on their new bicycles and playing with their Tonka trucks and I couldn't go outside because I had nothing new to show.

And I would like to also say a special thanks to all the people who reach out at Christmas and give their time freely. As Gandy said, "**The best way to find yourself is to lose yourself in service to others.**" And as Sir Winston Churchill said, "**We make a living by what we get, we make a life by what we give.**" Find a neighbour, find a friend who you know is challenged at this time and extend your hand out and give a gift to that child. That makes a difference in that child's life and how he looks at the New Year coming.

To all the persons on the PRIDE cleanup, I would like to say a big thank you for taking this opportunity at this time, a very Merry Christmas to you and your families. It very well looks like we are going to do something special for you on 18 December at the CoeWood Beach in Bodden Town. Just listen to the radios and newspapers.

Thank you again to all my colleagues. God bless you and have a Merry Christmas. Thank you.

The Speaker: Thank you.

Does any other Member wish to speak?
[pause] Does any other Member wish to speak?
[pause]

Fourth Elected Member for George Town.

Mr. Ellio A. Solomon: Madam Speaker, thank you very much.

Madam Speaker, as we talk about Christmas, I believe that perhaps my first reaction would be to want to talk about something nice and cheerful. I think we see Christmas and we think about all the colours—the red, the green, the stars, the Christmas tree—and all those wonderful things, Madam Speaker. But, Madam Speaker, one of my favourite Scriptures is the one that reads that the wise man lives in the house of mourning.

Madam Speaker, one of the reasons why I love that Scripture is because I believe it is perhaps only when we reach that understanding, Madam Speaker, and seek to understand death, that we can oftentimes appreciate what it means to truly be alive, Madam Speaker. And so, if I may be so bold, that is one inference that I draw from that particular scripture.

Madam Speaker, I say that because even as my colleague touched on the cleanup, you know just this week, Madam Speaker, we lost a very good and honourable gentleman that aided us with that cleanup programme, Mr. Arthur Moore. And, Madam Speaker, I am sure that there are a lot of other persons who are sick and there may have been others persons that passed away as well, but I make specific mention of that individual just to highlight that even in that PRIDE cleanup that has been taking place throughout all the various districts, this country and a family is short of a very special individual.

That in itself means, Madam Speaker, that when we grapple with things like that, when we seek to understand those sorts of circumstances, we get an appreciation of what it is to truly be alive and how we should reach out and take every opportunity to enjoy Christmas, and to be able to bless those persons that are still alive.

Madam Speaker, I would like to say that I am happy this Christmas. I am happy because you can never do enough, there is always something out there that needs to be done, something that you want to do. But in attempting to do, Madam Speaker, what is within your sphere of influence, I am happy to say in this honourable House, Madam Speaker, very quickly, as an example with respect to myself and my colleagues, I was honoured to know, Madam Speaker, that even just a few days ago we could sit with over 30 local contractors, Madam Speaker, that in these difficult times and in this valley that we find ourselves in, those individuals, for example, now have work.

That says to me, Madam Speaker, that there are at least 30 families—and you can multiply that by all the labourers that they have—that even just insofar as the affordable homes, those families, Madam Speaker, that go from 30 to 300 plus, Madam Speaker, as a result of just that action by this Government, we have families that can put food on the table and can buy some gifts for Christmas.

That, Madam Speaker, . . . we're not perfect. It is something that I can feel comfortable about knowing that we have done something to enrich the lives of someone for this Christmas. And that this Government, again, despite the circumstances that we found ourselves in, voted to get a million plus funds so that we can have approximately 800 individuals cleaning up—not forced, not under duress, Madam Speaker—volunteered. And they are happy to do so knowing that they can also put food on the table, buy gifts for their children this Christmas, Madam Speaker.

I am proud to be a Member of a Government that has done that. That in all of these difficult times has managed to do much, Madam Speaker, with very little.

And, Madam Speaker, we oftentimes say Merry Christmas and a Happy New Year. And I say that, Madam Speaker, because I also look forward to the New Year. In this honourable House we passed things like the Pension Motion, which, I am confident, Madam Speaker, we are going to be able to deliver that in the New Year. And, Madam Speaker, that in itself is going to provide the opportunity for so many individuals out there to be able to get access and leverage funds to be able to purchase land, purchase homes or to be able to construct them.

Jobs for Caymanians only, Madam Speaker, in terms of that Motion.

Working along with the Minister for Health, again, just pretty much completing the stages now of human organ and tissue transplants. Why is that significant, Madam Speaker? As I have mentioned be-

fore, simply visit the dialysis unit and see what someone has to endure, perhaps on a Wednesday. And again through that, Madam Speaker, through their eyes and their pain we can understand how appreciative we should be and how wonderful our Christmas is.

Madam Speaker, I would like to make a note to mention. And I am sure that everyone has their own circumstances, but I will just mention one of mine. I have three daughters—one 22, one 18, and my little daughter, Shawn, who is 10. And, Madam Speaker, as I'm sure many persons know, my daughter has a handicap. She is now 10-years old, cannot walk, cannot talk. But, Madam Speaker, I cannot tell you how at the same time, despite all of those disabilities, how inspiring my daughter is to me.

Just the other morning I got up and went to her room, because she was sleeping in her own bed, and, Madam Speaker, it reminded me almost of the king when he would run and he could not wait for the next morning to go and see how Daniel was doing in the lion's den. I was waiting to see what her position is, Madam Speaker. And on so many occasions and just to share the other morning: Once again, Madam Speaker, there is my daughter—cannot walk, cannot talk, can't even feed herself—and she has a big wonderful smile on her face.

When I see things like that, Madam Speaker, like I have said, I have seen it in other children and I have seen it in other places. But I mentioned that because I know that best. Madam Speaker, when I see that it says to me that I have absolutely nothing to complain about! And, therefore, when I hear so many complaints . . . I know times are difficult, Madam Speaker, but when I see those types of children, as an example; when I think about a family that has lost a father, a brother, an uncle . . . I know, Madam Speaker, I have nothing to complain about.

So, I thank God Almighty for giving me yet again another day to be here to represent the people of this country. And, as the Member for Bodden Town said, yes, we get our paychecks and we are thankful for that, because on many occasions, yes, there are persons who need and we give. Oftentimes it aches us only that we cannot give some more.

Madam Speaker, I will now in that particular sentence say, Madam Speaker, that I am happy this Christmas to know that we as individuals, all of us here in this Parliament, and we as a Government have made so many lives that much better for Christmas and that our only regret, if anything, is that we could not do a little bit more.

So, Madam Speaker, with that I want to say a Merry Christmas to you. And I will compliment you as well, Madam Speaker, again, on your position. I said it privately but I will say it publicly insofar as the issue revolving around the press. I think that your statement showed tremendous wisdom and showed that good restraint, Madam Speaker, that comes from experience.

Madam Speaker, I wish to wish you a Merry Christmas. All of the staff here too who do tremendous work because oftentimes as it is, the back office goes unappreciated. When the machinery works very smoothly chances are that means the engine is working very well. So, all of the staff here, Madam Speaker, in the Legislative Assembly, all of the persons working throughout the Civil Service, all of my colleagues here in the Parliament, be it Backbench, be it Frontbench or be it the Opposition, Madam Speaker. I have confidence that everyone here is doing their part to serve their constituents. And I want to say Merry Christmas to all of them.

In departing, Madam Speaker, to the general public I wish to say a Merry Christmas to everyone. And I would like to make sure and absolutely make it clear that I know there are some difficult challenges, because I know one young lady right now that I have made a commitment, that even if I have to go there with the hammer and the nails and the material myself, Madam Speaker, I am going to do what I can to help that young lady to get into a home with her children. And today as I stand here it is not done yet. But I am going go do what I can do, Madam Speaker.

I say that to mention that I know there are persons out there who are facing some difficult times. But through it all, Madam Speaker, I wish for all of us to come together as a country, come together as a nation and find those things, Madam Speaker, that we have in common, those things that are good and to be able to appreciate.

As I mentioned earlier on, Madam Speaker, simply being able to wake up to be alive this morning and to be able to smile is a lot, Madam Speaker. And with that I wish you, I wish all the Members of the honourable House and members of the general public a wonderful, wonderful Christmas, Madam Speaker; a wonderful Christmas. May God bless each and every one of us!

The Speaker: Third Elected Member for West Bay.

Hon. Cline A. Glidden, Jr.: Thank you, Madam Speaker.

Madam Speaker, I just want to also use this opportunity to give Christmas Season's Greetings to all my colleagues, to your honourable self, to the Clerk and to all the members of staff, the Serjeant, and to all the hardworking civil servants.

Madam Speaker, as the Premier mentioned earlier, this is the time for tolerance amongst us all. This Season we all get into the happy spirit as was mentioned by our colleague, the Second Elected Member for Bodden Town. Today when we came into the Legislative Assembly it was just a different feeling in the air. Maybe it was because today is his 38th Anniversary. I also want to use this opportunity to wish him and his good wife many more blessed years together of blissful marriage.

Again, we get a lot of examples from our senior Members here. Mr. Eden is one of those that lives and sets a good example for us, and even in marriage he has set quite a high standard. And our Premier was just celebrating a few days ago his 35th, and Mr. Eden is celebrating his 38th, so we have quite an act to follow.

Madam Speaker, the Season is upon us. We are happy that we have actually been able to wrap up business early because, as we said earlier, this is a time of giving and a time for families, and a time for a bit of rest and relaxation and enjoyment. Also, it is the time for getting into the communities and being able to share and give.

We all do our part throughout the year and we all know that we work hard on both sides of the House, but when it comes to Christmas it seems like the needs are even greater because we can see as we get into the communities, like my colleague from Bodden Town, the Third Elected Member said, there is a lot of need. But, Madam Speaker, I think it is important for us to remember that it is all relative and even though there are challenging times, when we look at some of the challenges that people face, we have much to be thankful for.

I went to a function put on by the youth of the Seventh Day Adventists last week, Saturday, and they gave me a little motto. They have set up a . . . the hot thing now is BBM (Blackberry Message) so they put a tag line on it; it was BBM and they would use BBM to stand for "Blessed Beyond Measure." I think that was quite creative. I will use that for my motto. It is actually my name on my BBM.

I think, Madam Speaker, that when we look we have so much to be thankful for. Hurricane season has just passed. We were blessed. And even with the financial turbulence that the world is in and the challenges that we face, we see there is still a lot of opportunity. And as my colleague, the Fourth Elected Member for George Town, mentioned some of the initiatives done to try and make this world and our country a little better place for the people who we were blessed to be able to serve.

Madam Speaker, I think it is important for us to look at the New Year and the fact that we are able to offer the country some hope that things are getting better, that the economy is rebounding. When we look at the financial position of the financial services we see improvements there. When we look at tourism, even in these difficult times we see improvements in tourism.

So, Madam Speaker, the Government is working hard to get some of its major projects that will stimulate the economy moving. And so there is a hope that better times are ahead, that we have been through the worst and that we have survived those times together; and that together, we will continue to be blessed and even be more prosperous in the New Year.

Madam Speaker, we ask for God's continued blessings and we ask for a safe Christmas, because we know that in years past, even with all the joy and happiness, we have found on too many occasions that we'll have an accident that will occur during those times of celebration that will cause us all sincere and significant sorrow during the time of the blessed Season. So, we are hoping that the drivers, those who will have to be on the road, will drive with care and that we will have an accident-free Christmas and a blessed and safe and prosperous New Year.

For those people from the district of West Bay who elected me some 10 years ago, from 2000, I think this is our 10th Christmas together, Madam Speaker, I wish them all the best for the Season. I wish them a safe and blessed and prosperous Christmas and a happy New Year.

For all the people of the Cayman Islands, Madam Speaker, I ask that they do exercise their willingness to give. Make that sacrifice, because those of us who find ourselves in a much better position have a responsibility to try to share some of that with those that are less fortunate.

Madam Speaker, it is the season for giving and it is more blessed to give than to receive. And so we look forward to a New Year. We look forward to being able to working together for the betterment of the Cayman Islands.

I thank all the Members for the contributions that they have made throughout the year. Madam Speaker, I thank you specifically for your tolerance with us. We know that sometimes we, you know, irked your tolerance and really tested it. But, Madam Speaker, you have been gracious and we thank you for that.

We thank all the other staff members that have contributed to making our lives much better throughout the year and we look forward to working together in the New Year.

Thank you.

The Speaker: Thank you, Third Elected Member for George Town . . . for West Bay. I am sorry.

Fourth Elected Member for West Bay on the floor now.

Capt. A. Eugene Ebanks: Thank you, Madam Speaker.

Madam Speaker, I too would like to take this opportunity to wish for you and your family, all the staff of the Legislative Assembly and their families, my elected colleagues on the Government Bench and on the Opposition, and the Official Members as well, a very happy, safe and joyous Christmas holiday.

To all of the people in the Cayman Islands, I want to wish for you the very same. And especially the people of West Bay, I want to wish them a very safe, joyous and happy Holiday.

Madam Speaker, this is a time of giving, a time of forgiving. There may be persons that we have

not been in a good relationship with or friendly to. Now is the time to mend the fences. Put your differences aside and give thanks for being able to see another Christmas.

I want to thank the people, especially of West Bay, for affording me this opportunity to serve them for another year. I look forward to continued service to them. Last, but not least, Madam Speaker, let us not forget the reason for the Season.

Madam Speaker, with those few short words I want to say again, Happy Holidays, and thank you.

The Speaker: First Elected member for Bodden Town.

Hon. J. Mark P. Scotland: Thank you, Madam Speaker.

Madam Speaker, it is hard to believe that this is already my second Christmas in the Legislative Assembly. But with each day that goes by I feel more privileged to have been sent here by the people of Bodden Town to represent them.

Madam Speaker, although it has been a tumultuous year, not only here in the Cayman Islands, but throughout the world, I do feel the cool winds of hope blowing through this Christmas.

I know we have worked hard as a Government. Just today the Premier announced a number of initiatives which we all strongly support and which we believe will help to turn our economy around and put us back on a strong footing; most importantly, to provide jobs and opportunities much needed now for Caymanians.

Madam Speaker, at this time, as my colleague on the other side of the House, the Second Elected Member for Bodden Town, said, Christmas always seems to bring out the best in us. I just want to take the opportunity as well to encourage everyone to ensure that that happens, ensure that we lend a hand to a needy brother or sister, ensure that we spend some time with our children, especially the elderly. Many of the elderly who are shut in at this time may not have people visiting them often, may not have family members. So, even if they are not your family member, visit with an elderly person, visit with some children who are needy at this time.

We have talked about generosity, and we all know that as Members of this House, throughout the year we're often called upon to lend a hand to give persons in need. And I know I need not encourage any of my colleagues at this time to do that more, but just to say that I know that we will be as we know that there are many people at this time of the year in need.

Madam Speaker, I want to take the opportunity to wish you and your family (I know I will probably see you a bit more over the holidays) a safe and blessed Christmas. I want to thank you for your continued stewardship of this honourable House.

I want to say Seasons Greetings as well to the Clerk, the Serjeant, all of the excellent staff of this

House. As other colleagues have said, they work extremely hard for all 15 of us in this honourable House, and I want to extend to them my gratitude as well, and to wish them and their families all the best.

To my Chief Officer and other Ministry staff and their families, Seasons Greetings as well. I thank them for their commitment and dedication over the year. We have made some significant accomplishments within my Ministry and a lot of the credit is due to their hard work, and I wish them all the best with their families as well.

Indeed, to the entire Civil Service, senior management and others, for all their hard work over the year—again, under difficult circumstances. Being asked to take a pay cut was not easy, and now being asked to perform more with less resources. And for the most part, Madam Speaker, I believe that we have been achieving that in the Civil Service. As a former member myself, has always responded to the call when called to do so. So, to everyone in the Civil Service, a Merry Christmas, as well, Season's Greetings.

Madam Speaker, I want to say especially to the emergency services at this time of the year, because while others may have time to get some time off work and enjoy the long weekend, those persons who work in the emergency services, whether it be Police, Fire Service, hospital staff, the ambulance staff and so on, they don't get that opportunity, Madam Speaker. Their work schedule continues on as normal.

So, I want to [express] a special gratitude to them, special thanks to them and wish them and their families all the best and express our appreciation to them for the hard work they do all year round, especially at this time of the year when others may have some time off with their families.

Madam Speaker, I would also like to take the time to say a special Happy Anniversary to my colleague, the Second Elected Member for Bodden Town as well. Thirty-eight years is almost as long as I have been alive! I congratulate him and Ms. Ellen and wish them another 38 years of happiness.

During this time of the year, Madam Speaker, when persons are being jovial, having a good time enjoying themselves, oftentimes they may be a bit careless as well. I want to encourage, especially, our young people at this time to be safe on the roads, to try not to drink and drive and to take extra caution this time of the year when driving, and look out for other people on the road as well. Let us try and have a safe, accident free Christmas which will be much happier for everybody.

Madam Speaker, I also want to just mention briefly that during the Christmas holidays throughout the districts there will be various events put on by our councils, in particular, in Bodden Town we will have some Christmas parties for children. One will be on the 17th December which is next Friday. That one will be in Savannah, Pedro Castle Road. We will also have another children's party on the 20th December

which will be at the CoeWood Beach. And there will be a senior's party on the 19th December, Sunday, at the Nurse Josie's Senior Centre, and another Senior's party, I think, on the 20th at the Pedro Castle Park as well.

So, again, that's our district's councils and other volunteers throughout the community putting on those events for our children and seniors. And I want to invite those persons, especially in Bodden Town, for these to come out, enjoy themselves. Santa Claus will be there. There will be some gifts and good camaraderie between friends and neighbours for the Christmas. So, I invite everyone to come out to those events.

Madam Speaker, in closing I want to extend Christmas Greetings to all of the constituents of Bodden Town and, indeed, all the residents of the Cayman Islands a joyous, safe and blessed Christmas.

I want to extend Christmas Greetings to my family; to my wife, my children and to my mother, my grandfather, and other immediate family. And also to my colleagues here in the House and the Government as well as my colleagues on the Backbench, the Opposition and the Independent Member for North Side.

I wish everyone a safe and blessed Christmas, Madam Speaker, and thank you all again.

The Speaker: Does any other Member wish to speak?

Second Elected Member for West Bay and Minister of Education.

Hon. Rolston M. Anglin: Thank you very much, Madam Speaker.

Madam Speaker, let me first wish you, the Clerk, the Deputy Clerk, the Serjeant-at-Arms and all the staff here at the Legislative Assembly a very Merry Christmas and healthy and prosperous 2011.

In particular, I would like, on behalf of Members, to also congratulate Miss Tania who I understand has now retired. May she enjoy her first Christmas retired and as she enters this new phase in her life. She certainly has been like another mother to a lot of us down here; a very steadying, calm, just absolutely delightful human being to be around. I know all of us are going to really miss her. Somehow I kind of believe, though, that she is not really retired so let us wait and see.

To all of my colleagues here in the Assembly and their families, I would certainly wish for all of us to follow the words of the Premier, and echoed by other Members, that we take the time out this Christmas to not only catch up with constituents and friends, but spend time with our families whom we often do not spend as much time [with] as we would like to, simply because of duties, and especially this time of year when there are so many functions, and so many that you have to attend. But I know sometimes you have to make that difficult call and skip a few as well, because our children and family are all growing up much

quicker than we would imagine, and in some instances, growing old much quicker than we would like to, as well.

Madam Speaker, on behalf of my wife and my mother I would also like to just express and extend those same Season's Greetings to all of the people of West Bay, our hardworking committee that will be working very hard during this Christmas Season for us as they take charge and assist us with our Christmas parties—a seniors' party on the 18th of December and our children's party.

Madam Speaker, on behalf of our Chief Officer in the Ministry of Education, Mrs. Mary Rodrigues, I would like to extend those same Season's Greetings to our hardworking staff; those in the Department of Education, the Department of Employment Relations, our National Archives, the Sunrise Adult Training Centre, UCCI, the National Pensions Office, our Library Services, last but by no means least, all of our schools.

I would like, on that note, to encourage all of our parents and students to enjoy the time together during this Christmas time. And parents, know where your children are during this break. Do not just concentrate on the gifts, but concentrate on the time, your most important gift that you can give; the gift of love, the gift of caring, the gift of showing them and illustrating for them what an adult, a Caymanian adult, should look like and behave like. That's very, very important, Madam Speaker, and we cannot overlook that.

Madam Speaker, I would also like to thank all of our hardworking boards in the Ministry for all their work during this year as we truly, truly appreciate the selfless service of the National Pensions Board, the Education Council and all of the Labour Tribunals.

And so, Madam Speaker, on a personal note I would just echo the sentiments of other colleagues and encourage our residents to use the Purple Ribbon Programme that has been provided for a few years now, free of service in this country.

During the height of the Christmas season, and especially the peak periods and peak activities, really, there is very little need to drive. And so if you are going to have a little extra fun, then, take up the service, take advantage of the service and do not put yourself and others at risk. And I say that in particular to our young people who may have that first car, may be home for Christmas, and so using the parents' cars. Take advantage of that free programme that is so generously provided in our community.

So, Madam Speaker, as we collectively close the chapter of 2010 as a Caymanian community, may we pray to God that 2011 will be filled with much health, much happiness, and much opportunity. But in all things accept everything that life has to offer—the good and not so good, the challenging times. We are still a blessed people.

The Speaker: That's right.

Hon. Rolston M. Anglin: We are still so blessed compared to so many near and far.

So, Madam Speaker, this is always a wonderful time of year for all of us. A wonderful time of year for all of us. Let us enjoy each other's company, our friends and our families and many God bless each and every one of our residents.

The Speaker: Does any other Member wish to speak? Did I miss someone?

Hon. Samuel W. Bulgin: Madam Speaker.

The Speaker: Second Official Member.

Hon. Samuel W. Bulgin: I am the only remaining person who has not said anything, but I shall not prolong this except to say I would like to be identified with the kind sentiments expressed by everyone in wishing all and sundry a very blessed holy, and, of course, enjoyable Christmas.

As we celebrate, I would encourage everyone to remember those who are less fortunate, those who are sick and those who are afflicted and to do our part to bring smiles to their face.

Thank you.

The Speaker: It is my turn.

I want to thank each Member of this House for the privilege of serving as your Speaker. It is a privilege that I appreciate beyond words.

I have been asked many times, "They don't stress you out?" And I say "no," because it is a position that thoroughly enjoy. I don't just appreciate it; I actually enjoy being the Speaker of this Parliament. I am truly grateful to everyone who made that possible.

I want to wish for you and your families a blessed Christmas and a wonderful and joyous New Year.

I want to wish for my Second Elected Member for Bodden Town—because he is my Second Elected Member for Bodden Town—and his beautiful wife, Ellen, many, many happy returns for a beautiful anniversary. I must go a little bit further and express my appreciation of him and his wife as workers within our community. They work very hard in all areas of our community with all our various organisations and churches.

I want to thank my staff too for their hard work this year. In particular, I want to thank Miss Tania. She has put 14 years into this Parliament besides a career in Education before that. And I think we need to . . . if you have time and you see her please make the time to express your appreciation for her.

I believe we live in a very blessed country. I believe we focus too much on the negatives and do not realise all the many positive things we enjoy in the Cayman Islands. The fact that we can stand in this Parliament and in freedom in a democratic country under a democratic government is a blessing that so

many countries in this world would—as the old people talked about—"give their eye teeth for."

We also live in a time and age when our families are given opportunities that they never had before. And I want to say a special thank you this afternoon for finishing this sitting of the Parliament early, because I had my 19th grandchild born two weeks ago and I haven't seen her yet. So, I am looking forward to taking off and going to pay her a visit.

Thank you all, again. God bless you all. Keep safe during this Holiday. God bless the people of the Cayman Islands, and may we all live together in peace and tolerance in the year ahead.

ADJOURNMENT

The Premier, Hon. W. McKeever Bush: Madam Speaker, I formally move the adjournment of this honourable House until . . . Well, Madam Speaker, we better do it sine die. But we hope to come back in January at some point.

Retirement of Miss Tania Connolly, Senior Hansard Editor

The Premier, Hon. W. McKeever Bush: Madam Speaker, before I sit down though I think I should put on record, as some Members have done. I really didn't know (I should say) that Miss Tania was retiring. I know we had discussed it some time ago and when we lose these kinds of people it is not easy to replace them.

Miss Tania has been a stalwart here in this Assembly for 14 to 15 years. I work with her. She has been completely professional; never taking any sides, Madam Speaker, doing her work. As we all know and these Islands know she is a lady firsthand—and a Godly woman at that. And certainly, I am going to miss her because she was so attentive and so . . . well, meticulous in whatever she did.

As I said, it is not easy . . . and I hope that whomever we get, Madam Speaker, to replace her, is going to be as unbiased without political connections and without political openness to take her part because that is what this House needs. And I trust that that will happen.

I would have liked to have seen Miss Tania continue. I hope she takes a rest and comes back. That's what I hope, because we don't replace these kinds of people easy. And you think [about] people like Sharon, the Deputy Clerk, has served for—

The Speaker: Thirty-eight years.

The Premier, Hon. W. McKeever Bush: Nearly 40 years! That's a . . . You don't replace these kinds of people easy. They are so willing—

The Speaker: Miss Nana has been here 28.

The Premier, Hon. W. McKeever Bush: —to be here. And Miss Bothwell, serving 28 years.

Madam Speaker, I guess it is these kinds of times that make us sit back and think. As I said, there's much more to life, and when we see these people retiring it just tells us that all of us are moving up in age brackets.

Having said all that, we want to wish Miss Tania and her children and her husband and family all the very best—if she is to retire. But I do hope she comes back and helps us!

Madam Speaker, having said that, the House will adjourn until a day to be fixed in January 2011, God willing.

The Speaker: The question is that this honourable House do now adjourn until January 2011.

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

Ayes.

The Speaker: The Ayes have it.

The House is now adjourned until January 2011.

May God bless you all!

At 7.52 pm the House stood adjourned sine die.