



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

EDITED HANSARD EXCERPT

2019/2020 SESSION

Friday
6 December 2019
(Pages 1-44)

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

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PRESENT WERE:

SPEAKER

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

MINISTERS OF THE CABINET

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

EX OFFICIO MEMBERS OF THE CABINET

Hon Dax Basdeo	<i>Acting Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
Hon Samuel Bulgin, QC, JP.	<i>Attorney General</i> , ex officio Member responsible for Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

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

OPPOSITION MEMBERS

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

INDEPENDENT MEMBER

Mr D Ezzard Miller, MLA	Elected Member for North Side
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EDITED HANSARD EXCERPT
SECOND MEETING 2019/2020 SESSION
FRIDAY
6 DECEMBER 2019
10:55 AM
Seventh Sitting

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

MOTIONS

GOVERNMENT MOTION NO. 3/2019-20—CAYMAN ISLANDS CONSTITUTION (AMENDMENT) ORDER 2019

The Speaker: Honourable Members, yesterday the House suspended the relevant Standing Order for the Motion to move forward.

I call on the Honourable Premier.

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

Mr. Speaker, I beg to move Government Motion No. 3/2019-20—Cayman Islands Constitution (Amendment) Order 2019.

WHEREAS, the passage of an amendment to the UK's Sanctions and Anti-Money Laundering Bill, 2018 brought into question issues regarding the constitutional relationship between the United Kingdom and the Cayman Islands, and;

AND WHEREAS the Premier had audience with the Prime Minister of the United Kingdom on the 15th May, 2018 and subsequently participated along with other Overseas Territories Heads of Government in a teleconference with the Prime Minister on the 24th May, 2018 to discuss the results of the debates in the House of Commons and the House of Lords regarding the passage of the amendment to the Sanctions and Anti-Money Laundering Bill;

AND WHEREAS on the 17th May, 2018 the Premier met with the Chancellor of the Duchy of Lancaster, who was appointed by the Prime Minister to oversee the constitutional discussions, to set out the concerns of the Cayman Islands Government;

AND WHEREAS on the 30th October, 2018 after consultation with the then Leader of the Opposition, the Premier formally submitted a document to Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and United Nations entitled, "Draft proposals for discussions with the UK Government on Constitutional Revisions";

AND WHEREAS a delegation comprised of the Premier, the Honourable Leader of the Opposition, two Ministers, the Deputy Leader of the Opposition, the Honourable Attorney General, and other Government Officials met with Officials from the Foreign and Commonwealth Office and discussed potential amendments to introduce further constitutional safeguards on the 7th and 10th of December, 2018;

AND WHEREAS, following the discussions held in December, 2018, a first draft of an Order in Council was sent to the Premier under cover of a letter dated 6th January, 2019 from Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and United Nations for the consideration of the Cayman Islands Government;

AND WHEREAS, on the 24th April, 2019 a letter was submitted by the Premier to Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and United Nations, seeking further consideration of a number of key proposals not addressed in the first draft of an Order in Council;

AND WHEREAS, on the 10th November, 2019 the Premier received a letter from Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and United Nations that was accompanied by an updated Draft Cayman Islands Constitution (Amendment) Order, 2019;

AND WHEREAS, on the 20th November, 2019 the Premier and the Honourable Leader of the Opposition indicated in a joint letter to Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and United Nations, that although the changes represented in the Draft Cayman Islands Constitution (Amendment) Order, 2019 are not minor, they are nonetheless uncontroversial and therefore in such circumstances a Referendum is neither necessary nor appropriate;

AND WHEREAS the United Kingdom Government, by way of a letter dated 10th June, 2009 from the then Parliamentary Under-Secretary of State, advised that where such a declaration is made by the Premier and the Leader of the Opposition, a referendum may not be necessary and in which case a resolution of the House would be sufficient;

AND WHEREAS, pursuant to the letter from the United Kingdom's Parliamentary Under-Secretary dated 10th June, 2009 a resolution of the Legislative Assembly approving the proposed

Draft Cayman Islands Constitution (Amendment) Order 2019 is now sought;

BE IT THEREFORE RESOLVED that this Honourable House does approve the proposed amendments to the Cayman Islands Constitutional Order 2019 (“The Constitution”) as set out in the Draft Cayman Islands Constitution (Amendment) Order, 2019 sent to the Premier, Honourable Alden McLaughlin, under cover of letter dated 10th November, 2019 from Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and United Nations, subject only to delaying the coming into effect of the proposed amendment of section 44(1) of the Constitution, until after the next General Elections;

BE IT THEREFORE FURTHER RESOLVED, that a copy of the resolution of this House and the transcript of the debate on this Motion be forwarded to the Foreign and Commonwealth Office upon completion of the debate and the vote thereon.

The Speaker: The question is: Be it therefore resolved that this honourable House does approve the proposed amendments to the Cayman Islands Constitutional Order 2019 (“the Constitution”) as set out in the Draft Cayman Islands Constitution (Amendment) Order, 2019 sent to the Premier of the Cayman Islands, the Honourable Alden McLaughlin, under cover of letter dated 10th of November, 2019 from Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and the United Nations, subject only to delaying the coming into effect of the proposed amendment of section 44(1) of the Constitution until after the next General Elections;

And be it therefore further resolved that a copy of the resolution of this House and the transcript of the debate on this Motion be forwarded to the Foreign and Commonwealth Office upon completion of the debate and the vote thereon.

The Motion is open for debate.

The Honourable Premier.

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

Mr. Speaker, before I go into the details of what the constitutional changes will entail, I think it might be helpful, not only to Members of this House but the broader public if I explain a bit about how we get to this point and what this process we are going through today will involve.

Mr. Speaker, the current Cayman Islands Constitution Order 2009 was approved by the electorate on elections day in May of 2009. It was the product of some nine years of constitutional discussions and negotiations, not just locally, but also with the United Kingdom Government involving three full rounds of talks in the United Kingdom at Lancaster

House and in Cayman, and so, there was an exhaustive consultation period involved.

Following the successful referendum vote approving the Constitution Order 2009, the Cayman Islands Government wrote to the United Kingdom Government regarding the process to be followed with respect to any further changes to the Constitution and suggested that such changes of real significance or involving controversy ought to be the subject of another referendum.

Mr. Speaker, on the 10th June, 2009 when you were then Leader of Government Business, before the Cayman Islands Constitution Order 2009 came into effect, the then Minister for the Overseas Territories, styled as Parliamentary Under-Secretary of State in the Foreign and Commonwealth Office, wrote to you in the following terms:

“Dear Mr. Bush,

“As part of the constitutional modernisation process the Cayman Islands Government made the following proposal:

“After the present modernisation process has been completed, further changes to the Constitution should not be made without the authorisation of a referendum unless the change is declared by the Premier and the Leader of the Opposition to be minor or uncontroversial, in which case a resolution of parliament would be sufficient.”

“The United Kingdom Government should be invited to agree that it would honour this referendum requirement.”

That was a quote from the letter written by the Cayman Islands Government. The Minister responded:

“In general, the United Kingdom Government approves the idea that substantial constitutional changes should be supported by the people of the Cayman Islands in a referendum.

“Accordingly, the United Kingdom would normally use its best endeavours to honour this referendum requirement; however, there may be exceptional circumstances where it would not be possible or appropriate to do so, and for that reason, the United Kingdom Government must reserve its position on the matter.”

Mr. Speaker, following that, during the last term there was a significant change amendment to the Cayman Islands Constitution Order, 2009 relating to the tenure of judges of the Grand Court, increasing the age at which they could remain in office, from 65 to 70.

Mr. Speaker, those changes which were being proposed by the United Kingdom Government were not the subject of any consultation at all, not even with the Judicial and Legal Services Commission or the Constitutional Commission. The United Kingdom requested the support of the Premier and the Leader of the Opposition for the changes. I signed the letter as Premier indicating my support for the changes and the

United Kingdom Government then proceeded to effect the changes by Order-in-Council. I raise that, Mr. Speaker, so that it is clear that, even with respect to the current Constitution, changes have already been made without the referendum process being invoked.

Mr. Speaker, the Motion has set out the chronology of events which have given rise to today's Motion. I have already laid on the Table of this honourable House the letter of 10th November, 2019 from Lord Ahmad of Wimbledon, Minister for the Overseas Territories, to me and the accompanying Draft Order-in-Council which sets out the proposed constitutional changes. I do not propose to lay those again, but I do think, Mr. Speaker, that it would be helpful to the narrative and appreciation of what we are doing, if I were to read again the letter from Lord Ahmad and the joint response letter from myself and the Leader of the Opposition, which has really been the trigger to bring us to this point.

The letter from Lord Ahmad reads as follows:

*"Dear Alden,
"Constitutional Reform*

"I am writing to provide an update on plans to reform the Cayman Islands Constitution.

"I am pleased to confirm that I have been able to secure agreement within the United Kingdom Government to a final package of proposals that accepts the majority of your suggestions (Order-in Council at Annex A).

"Of your counter proposals, we have been able to accept your request for a provision in the Constitution that the United Kingdom will consult the Cayman Islands on any legislation affecting them and a narrower definition of the Governor's duty to consult Cabinet.

"I am sure that you will agree that this is a positive development, not just for the future relationship between the United Kingdom and the Cayman Islands but also for the future governance of the Cayman Islands. I have welcomed the fact that our bilateral discussions to date have included representatives from both the Government and Opposition in the Cayman Islands.

"As you know, the next step in agreeing the package is to obtain the broadest possible cross-party and public support for these reforms. Generally, the policy of the United Kingdom Government has been to require a referendum, unless the reforms are declared by the Premier and the Leader of the Opposition to be minor or uncontroversial. However, I would also note that the UK Government's position on this matter is reserved, as there may be circumstances where a referendum may not be possible or appropriate.

"Therefore, I would be grateful if you could outline how you intend to seek the broadest possible support for the reforms to the Constitution both within the Legislative Assembly and the wider public. If the

decision was not to hold a Referendum, it would be helpful if you could explain the case for not doing so.

"I would be grateful for your views on the final package of constitutional reform proposals. Subject to the points made above, if you agree to the package, the Foreign Affairs Committee will be notified and the Draft Order-in-Council will be sent to the Privy Council for the order to be made. You will also have seen that a General Election has now been called and, under the rules of Purda, I will not be able to make any new decisions that bind any further Government.

"Yours sincerely,

"Lord Tariq Ahmad of Wimbledon"

The Premier, Hon. Alden McLaughlin: Mr. Speaker, following that letter, there were discussions between myself and Members of the Opposition and indeed, a meeting with myself and the Honourable Leader of the Opposition, and subsequent thereto, we agreed to write to Lord Ahmad in the following terms—Mr. Speaker, I have to confess I do not have a copy of the actual letter, although I have the draft which does not have the date.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: My thanks to the Member for George Town Central who has a copy.

Mr. Speaker, the letter is dated the 20th November, 2019 in the following terms:

"Dear Lord Ahmad—

"Re: Constitutional Reform."

It is signed by me as Premier and by the Honourable Arden McLean as Leader of the Opposition.

"We refer to your letter of 10th November, 2019 together with the Draft Cayman Islands Constitution (Amendment) Order, 2019 ("the Draft Order").

"We refer in particular to your request to seek the broadest possible support for the reforms both within the Legislative Assembly and the wider public. To that end, we are pleased to advise the following discussions with Members of the Legislative Assembly, we have agreed on the package of reforms as contained in the Draft Order, subject only to the coming into effect of the provisions in section 5 relating to the additional Minister being deferred to the start of the next term; that is, until after the next general elections.

"Indeed, we are of the opinion that although the changes are not minor, they are nonetheless uncontroversial. In such circumstances and in accordance with your letter, we believe a referendum is neither necessary nor appropriate, and, instead, our agreement to the reforms will eventually be confirmed through a resolution in the Legislative Assembly. This is an approach confirmed as acceptable to the United

Kingdom Government in a letter dated 10th June 2009 from the then Parliamentary Under-Secretary, Chris Bryant.

“In this regard, we undertake to provide you with the relevant Hansard transcript of the resolution by the Legislative Assembly at the conclusion of the debate on the package of reforms. However, we consider that the consensus reached by us in confirming our agreement to the reforms, is of such significance as to justifying and notifying you without further delay.”

Mr. Speaker, I would ask your permission to lay a copy of this letter on the Table of the House because this is not yet a matter of public record.

The Speaker: So ordered.

[Copy of Letter to Lord Ahmad laid on the Table of the House by the Premier]

The Premier, Hon. Alden McLaughlin: So, Mr. Speaker, this is the point at which we now are.

Mr. Speaker, I should say this: I know every Member of this House, including myself, principal among them, would wish that we had the opportunity for a much broader consultation and a longer period of time in which to do so. But, Mr. Speaker, I think it is important that everyone appreciates where we are in the election cycle with the United Kingdom Government, and it is, I believe, Mr. Speaker, these sorts of events that were in contemplation by the Minister, the Parliamentary Under-Secretary of State at the time, Chris Bryant, when he wished to reserve onto the UK their ability not to require a referendum in certain circumstances. He said in the letter there may be exceptional circumstances where it would not be possible or appropriate for a referendum to be held, and for that reason the United Kingdom Government must reserve its position on the matter.

Mr. Speaker, as I indicated, the letter from Lord Ahmad was received on the 10th November. We were able to reach agreement among Members of this House on both sides on the 20th November. The United Kingdom's General Elections will occur on the 12th December and this deal (if I may call it that) will fall away. The offer will fall away if it is not agreed prior to the general elections because the Minister and indeed the entire Government loses power on elections day and thereafter, regardless of the outcome of those elections, it would be a matter of having to restart this process. Presumably, were the Conservative Party were to win the Government again, the arrangements would be honoured but there would be no concluded arrangement at that stage. Were another party to take power, one never knows what their attitude may be to the constitutional relationship between the Overseas Territories and the United Kingdom.

Mr. Speaker, all of us in this House, I believe, and I believe I can safely say 'all of us in this House'

have weighed up, weighed in the balance all of these considerations and have concluded that the arrangements which we have managed to negotiate with the United Kingdom are of such constitutional importance and such importance to the long term interest of these Islands that we must seize this opportunity and approve these arrangements in advance of the United Kingdom general elections on the 12th of December.

Mr. Speaker, that brings me conveniently to this point which precipitated these constitutional discussions in the first place. Mr. Speaker, I can say with hand on heart that the furthest thing from my mind when I took office for the second time as Premier in May 2017 was getting involved in protracted constitutional discussions with the United Kingdom. I spent the first nine years of my political career involved on one side or other of this House in that battle and I did not want to be distracted from all of the other critical things that the Government needed to be doing by constitutional discussions, because I know full well how controversial they can be.

Mr. Speaker, the events which arose last year when the Sanctions and Anti-Money Laundering Bill was being moved through the UK Parliament and efforts were made and, indeed, succeeded in attaching amendments which legislated for the overseas territories with respect to critical aspects of our financial services industry, outraged and seriously worried all of us who are leaders within the overseas territories and indeed, Mr. Speaker, our financial services industries in particular. Mr. Speaker, that is why, in the Motion, I refer to my meeting with the then Prime Minister of the United Kingdom Government and the Chancellor of the Duchy of Lancaster who was essentially the Deputy Prime Minister in everything but name, as well as the Teleconference between myself and all of the other overseas territories leaders and the Prime Minister about this. Because, Mr. Speaker, we believe, although the UK Government will never admit that, I am sure, that this, constituted constitutional overreach.

All of the territories operate on the basis of constitutional orders which have devolved responsibility for legislating and administering the affairs of the territories. There are different degrees of autonomy which we enjoy, depending on the territory and its level of advancement, but to one degree or another, we all are devolved administrations, and for the UK Parliament to impinge upon that devolved responsibility by purporting to legislate in areas of domestic policy, was something that gravely worried and gravely worries all of us. It is not just the areas of financial services that can potentially be impacted if this were to become the norm, but just about any aspect of domestic policy here that they disagreed with or things that they wish that we would do and won't do.

In fairness to the United Kingdom Government, they too were very concerned about this and we all know that the reason why these sorts of things were able to succeed was because of the weak posi-

tion of the UK Government numerically in the Parliament. When there is a strong government in terms of numbers these things are unlikely to happen unless it is a policy of the government itself, but when the government is always tethering on the brink of collapse and has to rely on the support of opposition members to keep it in office, these sorts of things can happen. And so, Mr. Speaker, that was the genesis of the concerns. The Cayman Islands Government engaged the services of Sir Jeffrey Jowell, QC, to help us look at ways that we thought we could strengthen the Cayman Islands Government hand with respect to these matters; what protections we could include in the Constitution that might give the United Kingdom Parliament or indeed others, some pause before they sought to intervene or interfere in what are generally matters devolved to the local Government.

Mr. Speaker, the package of proposals that are contained in the Draft Constitution (Amendment) Order which we are debating today, are generally aimed at doing that of strengthening, underlining and emphasising the autonomy of the local Government to make decisions that are within its domestic policy, restricting the ability of the UK Governor to essentially interfere in decision-making which is not within his or her special responsibilities. And, indeed, even with respect to the areas which are within the special responsibility of the Governor requiring him or her to consult with the Cabinet before making critical decisions.

We did take the opportunity, Mr. Speaker, to address some other areas where we felt the Constitution could be improved but those really were not the focus of this constitutional reform initiative; areas such as including provision for a police services commission was one of those areas that fall into that particular category.

Mr. Speaker, as I go through now, what the proposed changes are, it is important to bear in mind that they are a package which is aimed at essentially what I have just discussed, improving the hand of the Cayman Islands Government, ensuring that it is understood by all that the Cayman Islands Government has autonomous authority in the areas which have been devolved to it and improving the stature and image of this Legislature and giving it greater autonomy over its own processes and procedures, which, Mr. Speaker, I should say, by the way, I hope will be bolstered by the independence of the Legislature's Bill which I am hoping we will be able to bring to the House in the first quarter of next year.

Mr. Speaker, I know that I have been through most of this before when I laid the Letter from Lord Ahmad and the Draft Order on the Table of this House a few weeks ago, but I think this debate is important enough; indeed, some will say historic and, as such, I should go through them again with some particularity. Mr. Speaker, I will not follow the order in the way that this has been presented, but instead, will approach

what I say about this in the context that I have already set out, which is, what is the principal focus of these proposals and in the order of importance that I attach to them.

Mr. Speaker, I believe, probably the most important provision that we are seeking to include in the Constitution involves the amendment of section 44. Section 5(3) of the Draft Order provides that section 44 of the Constitution of the Cayman Islands which deals with the Cabinet is amended by adding the following New Subsection after subsection (4): **"For the avoidance it is declared, subject to this Constitution, that the Cabinet possesses autonomous and exclusive capacity in domestic affairs for any matter that is not one of the following: (a) a special responsibility of the Governor under section 55(1)."** And that, Mr. Speaker, involves the responsibility for the public service of a national security.

In subsection (b): **"(b) a function which the Governor must exercise under this Constitution or any other law in his or her discretion or judgement or in accordance with instructions to Her Majesty through a Secretary of State; or (c) a function which the Governor is empowered or directed, either expressly or by necessary implication, to exercise without consulting with the Cabinet or to exercise on the recommendation or advice of, or after consultation with, any person or authority other than the Cabinet."**

Mr. Speaker, what that new provision does is to make it clear that in areas of domestic affairs, areas which have already been the responsibility devolved to the Cabinet or the Government, the Cabinet has autonomous and exclusive capacity.

Mr. Speaker, following that, I believe, the hard fought provision which will become a New Section 126 in the Constitution, is also very, very important. That new section, Mr. Speaker, will be entitled "Notification of Proposed Acts of Parliament extending to the Cayman Islands or Orders in Council extending such Acts of Parliament to the Cayman Islands". And the New Section 126 subsection (1) will read: **"Where it is proposed that- (a) any provision of a draft act of the Parliament of the United Kingdom should apply directly to the Cayman Islands, or (b) an Order in Council should be made extending to the Cayman Islands any provision of an Act of Parliament of the United Kingdom, the proposal shall normally be brought by a Secretary of State to the attention of the Premier so that the Cayman Islands may signify its view on it."**

Subsection (2) goes on to say: **"This section does not affect the power of the Parliament of the United Kingdom to make laws for the Cayman Islands or the power of Her Majesty to make an Order in Council extending to the Cayman Islands any provision of an Act of Parliament of the United Kingdom."**

Now, Mr. Speaker, the New Section 126 directly addresses the concerns raised by us about the United Kingdom Parliament seeking to legislate for us in areas of domestic responsibility; areas for which responsibility had already been devolved by the Cayman Islands Constitution Order 2009 to the Cabinet or the Government. And so, Mr. Speaker, what transpired in the United Kingdom Parliament with respect to the Sanctions and Anti-Money Laundering Bill by them tacking on an amendment which affected local legislation here, to occur again, the United Kingdom Government would be under an obligation to bring to the attention of the Premier that proposal and, for the Cayman Islands Cabinet to have to be required to signify its view on it. Mr. Speaker, this, indeed, falls short of where wished it to be because what this does is require consultation but, ultimately, the decision making still remains with the United Kingdom on these issues. But what it will do is to, without question cause the UK Parliament or indeed the Government to pause before they seek to make legislation which impacts the territory. It will provide a period of cooling-off; it will provide a period where there can be strong arguments put by the Cayman Islands Government about why this should not be allowed to proceed.

The UK Government, Mr. Speaker, was not very willing to even make this concession. Indeed, I can say to this House and the broader public, the initial Draft Order sent to me on the 6th of January last year did not include this provision. It included almost every other provision that is in this current draft but myself and the Government and our advisors did not believe we would have come close to succeeding in achieving what was the main objective of engaging the UK in these constitutional discussions in the first place, had we accepted that first offer, and it has taken since then until the 10th November to get us to this point. I believe, Mr. Speaker, it is one of the most important concessions the UK has been prepared to make. It appears in no other constitution order of any other overseas territory, although, the UK signified to me, they, having made the concession to the Cayman Islands, they will offer it to the other territories as well. And I am sure my colleagues in the other overseas territories will welcome that ground breaking concession.

Mr. Speaker, in a similar vein, the UK has agreed that the Governor's reserve power contained in section 81 of the Constitution to legislate for the territory in the areas of his special responsibilities should be revoked. So, Mr. Speaker, to use the example I gave the other week: under the current Constitution, the Governor has the power contained in section 81 of the Constitution to effect legislation in the areas of his special responsibility if the Cabinet and this House refuses to do so. As an example, if the Governor decided that there should be certain provisions in the Police Law relating to bail, relating to the powers of arrest as an example, but we disagreed

with them ("we" being the Cabinet and this Legislative Assembly), he could, with the permission of the Secretary of State, simply draft the amendment to the Law or the Law itself, if that was the case, and publish it, and that would become the Law of the Cayman Islands.

Similarly, with respect to the Public Service, if there were provisions in the Public Service Management Law that the Governor did not like or it did not contain provisions which he felt it ought to have, he could use that power under section 81 and make those changes. It would not matter whether this Legislature agreed or did not agree. It is, in fairness to the UK, a power that has been very sparingly exercised but it has been exercised at least once since I have been elected, and that related to changes to the ICTA (Information, Communication and Technology Authority) Law with respect to bugging, I guess, is the common term (phone tapping).

The UK has agreed to revoke that power and the trade-off of that, Mr. Speaker, which I know not every Member of this House welcomes, is to give the Governor the right to address the Parliament with the permission of the Secretary of State, in the circumstances where the Governor proposes that there should be such changes as I used, by way of example a while ago, and the Cabinet and Parliament decides that we do not wish to do so. This would give the Governor, with permission of Secretary of State the power to come to this House to explain to us and the public why it is that he and the UK Government believe these changes should be effected, but it would not give him or the UK Government the power to make those changes. So, Mr. Speaker, it is a trade-off and we believe unbalanced, that while it is not something that we rush to embrace, it is preferable to the current situation where the Governor can simply act and effect legislation.

Mr. Speaker, another significant concession which we believe, again, underlines and reinforces the authority of elected Members of this Parliament to decide on what legislation should look like and what it should do is the concession which removes the power to disallow legislation which has been passed by this Legislative Assembly. Mr. Speaker, that provision is contained in section 80 of the Constitution and which I think for completeness I should perhaps read.

Section 80 of the current Constitution reads: **"(1) Any law assented to by the Governor may be disallowed by Her Majesty through a Secretary of State; but no law shall be disallowed until the expiration of a reasonable period notified by a Secretary of State to the Governor with an explanation of the difficulties perceived by the Secretary of State, and the Governor shall forthwith advise the Speaker of that period and those difficulties in order to give the Legislative Assembly an opportunity to reconsider the law in question."**

Mr. Speaker, the way that laws get passed is that a Bill is promoted in this Legislative Assembly by a Minister. Notice of the Bill must be given to, not just Members but it must be published 12 days in advance of the Meeting at which it will be debated. Members debate it and it goes through the various readings in this House; First, Second and Third readings in the committee consideration of it and this House then passes it. That Bill is then reviewed by the Honourable Attorney General who gives advice or a certificate to the Governor, that in his or her view, it is constitutional and the Governor in the normal course of events then assents to the Bill. But beyond that, the Secretary of State, the FCO then has the authority to disallow the legislation notwithstanding that it has gone through all of those various steps; (that is section 80). The provision in the Draft Constitution Order in section 12 will revoke that power of the UK to disallow legislation which has been passed by this Legislative Assembly and assented to by the Governor.

Mr. Speaker, the trade-off for that has been that the UK Government in this Draft Order, in section 11, has insisted on increasing the notification period for the Bill from 21 days to 28 days in order to give them greater time to consider the matter before it proceeds to debate here. I believe Members of the Opposition and the broader public will welcome that increase period of notification because, essentially now, a bill has to be published a month before it can be considered in this Legislative Assembly.

Mr. Speaker, we took the opportunity here to clarify what is somewhat a confusing provision in the current Constitution with respect to the notification period. The current Constitution says in section 77(2) that **“Standing Orders shall require that except in a case of emergency, every bill introduced by the Government shall be published at least 21 days before the commencement of the meeting at which it is scheduled to be introduced.”** But no one has ever been able to say with any certainty what constituted an emergency and who decided that there was an emergency with respect to these matters. So, the proposal in section 11(2) the Draft Constitution Order will read this way: “Except with the consent of the Governor acting in his or her discretion, signified by the Premier, the Parliament shall not proceed upon any bill, including any amendment to a bill that, in the opinion of the Governor acting in his or her . . . sorry, Mr. Speaker, I am reading from the wrong bit. I will come to that

It is section 11(2) of the Draft Constitution Order. **“Every Bill shall be published in a Government Notice and the Parliament shall not proceed upon any bill until the expiration of 28 days after the date on which the Bill was so published, unless the Premier certifies by writing under his or her hand that consideration of the Bill is too urgent to permit such a delay.”** So, Mr. Speaker, it puts the responsibility on the Premier to have to certify

and explain why the matter is too urgent to permit such a delay.

Mr. Speaker, section 11(2) that I prematurely entered upon just now, I will deal with now. Section 77(1) of the Constitution reads as follows: **“Subject to this Constitution and Standing Orders, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Legislative Assembly, and the same shall be debated and disposed of according to Standing Orders.”**

Section 11(2) amends section 77 of the Constitution by adding a new subsection which reads: **“(4) Except with the consent of the Governor, acting in his or her discretion, signified by the Premier, the Parliament shall not proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the Governor, acting in his or her discretion, signified as aforesaid, concerns a matter for which the Governor is responsible under section 55(1) or a matter that by law is the responsibility of the Governor. In the event of a dispute concerning whether a matter falls within the scope of section 55(1), the Premier may refer the question to a Secretary of State, whose decision on the matter shall be final.”**

Again, Mr. Speaker, in that is the deal with situations where the Governor has special responsibility for, as I said, for the public service, for the police and those things.

Under section 81, currently, the Governor has the ability to legislate for those areas if he cannot get the agreement of the Cabinet and the Legislature. This constitutional change now will take away that right and authority. So, this introduction of this new subsection is to say that we, the Legislature here, cannot proceed to amend, for instance, the Police Law or the Public Service Management Law or any of those that are within his special responsibility without his agreement. If there is a dispute about whether that is really a matter within his remit or not, the Premier has the authority to refer the matter to the Secretary of State for a resolution of the matter, whether or not this really falls within the Governor's special responsibility or not.

Mr. Speaker, we will see that there is a proposed significant reduction in the overall power or authority of the Governor to interfere in the making of local legislation.

Mr. Speaker, another significant change with respect to the making of Standing Orders of this House. Currently, this Legislature cannot make Standing Orders unless we have the approval of the Governor with respect to them, and section 10 of the Draft Constitution Order proposes to remove that authority of the Governor so that this Legislature will have the ability going forward to make its own Standing Orders without having to get the Governor's approval.

Mr. Speaker, section 4 of this Draft Order amends section 32 of the Constitution which relates to the areas where the Governor is required to consult with the Cabinet in the exercise of certain of his functions and increases the areas where the Governor is required to do so, and I emphasise, it is consultation; it is not that the Cabinet would have the power to stop the Governor from doing whatever it was he proposes in exercise of those particular functions, but it requires him to consult with the Cabinet so that the Cabinet and, by extension, this Legislative Assembly and the broader public are aware of what it is he is contemplating doing in exercise of those particular functions. And those are the functions with special responsibilities under section 55. As I said, that relates to the public service to national security and let me just quickly read section 55(1) so that everyone remembers:

Section 55(1) speaks to the Governor being 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) defence; (b) external affairs, subject to subsections (3) and (4), his ability to delegate authority in that regard; (c) internal security, including police and the public service. So, in those areas where he has the authority to act, he now has a responsibility to consult with Cabinet to tell us what it is he proposes to do.

Mr. Speaker, the other very important in terms of image and standing and perception concession is that the UK has agreed to the change of the name of this august body, the Legislative Assembly of the Cayman Islands to Parliament. As I said before, image is important, standing is important and perception is important and the term 'Legislative Assembly' connotes an inferior legislative body to that of a lessor, to that of a parliament and I think we will all welcome and embrace that, not just in the context of dealing with the UK Parliament but more broadly as we do business as elected Members locally and internationally.

Mr. Speaker, the other important provision, I believe, given the increasing volume of work which Ministers have to deal with, is the proposal to amend section 41 of the Constitution to increase the numbers of Ministers from six to seven plus the Premier, although we have agreed amongst us that that provision should not come into effect until after the next general elections.

Mr. Speaker, I move on to deal with the other matters which have been tacked on really to this overall package and that is some clarifying provisions which make it clear that the functions conferred on the Cabinet Secretary may be exercised by any of his staff to whom the responsibility has been delegated, and that is contained in section 6 of the Draft Order which will amend section 48 of the current Constitution. And, Mr. Speaker, we have had the practice for three terms now of using councillors who operate as assistants to

Ministers and carry out very important work. We have persuaded the United Kingdom Government that we should introduce the concept of parliamentary secretaries which is the generally understood provision across the Commonwealth for what are essentially assistants to Ministers. And the Draft Constitution Order will introduce a New Section 54A to the Constitution which will create this New Office.

Mr. Speaker, there is also an amendment proposed to section 58 of the Constitution by section 8 of the Draft Constitution Order which makes it clear that the Governor shall be bound by decisions made by the National Security Council with respect to national security issues, unless he is instructed otherwise by the Secretary of State.

There is also a new provision, Mr. Speaker, which would be a new section 58A and B introduced by section 9 of the Draft Constitution Order, which creates a Public Service Commission that will require that decisions made with respect to the Police Service are no longer the sole responsibility of the Governor but of . . . sorry, the Police Service Commission. Sorry, I said Public Service but it is Police Service Commission. So, section 58A will say: **“There shall be in and for the Cayman Islands a Police Service Commission, which shall consist of (a) the Governor as Chair; (b) three members experienced in matters of the police, law enforcement, the criminal law or other matters related to national security, two of whom shall be appointed in writing by the Governor acting in accordance with the advice of the Premier and the other in accordance with the advice of the Leader of the Opposition; and (c) two members with qualifications described in paragraph (b), appointed in writing by the Governor acting after consultation with the Premier and the Leader of the Opposition.”**

Mr. Speaker, I know many of us in this House and, certainly, the older Members have always thought would improve the whole accountability of the Police Service by having a group of citizens as part of the decision making about how the Police Service operates.

Mr. Speaker, I think I have covered all of the provisions that are contained now in the Draft Constitution Order and I hope that it has been helpful to Members and the broader public in their understanding of what is actually proposed. I do believe, Mr. Speaker, that when this is done, which I expect if things go according to plan, should be sometime towards the end of February next year, that the Cayman Islands overall will be in a much better place with respect to its local administration and with respect to its relationship with the United Kingdom Government and that this Parliament and the Government and the people of these Islands will have the benefit of knowing with increased certainty that the key decisions which are taken that affect their lives and livelihoods and prospects and that of their children are being taken by

people who are elected by them and whom they can hold accountable.

Mr. Speaker, even though I have just introduced the Motion and I presume much debate to come, I still wish to thank all Members, in particular, the former Leader of the Opposition and the current Leader of the Opposition for their co-operation and willingness to sit with me together and put whatever partisan politics there are, (and there are always those things which is the nature of this business), to put them to one side and to agree to act in concert to further the interest of these beloved Cayman Islands and the people that we are sworn to represent.

I thank you sir.

[Desks thumping]

The Speaker: The Motion is open for debate.
The Honourable Leader of the Opposition.

[Pause]

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

Mr. Speaker, let me first of all thank the Premier for his presentation of this Motion and on the proposed changes to the Constitution.

Mr. Speaker, I believe it is prudent that I start my contribution hereto, with my position on the past and to explain why I have reached the position that I currently have regarding changes to our Constitution.

Mr. Speaker, when the subject was brought to the fore a result of the obvious overreach by the Parliament of England, I too became extremely concerned that our political position and the relationship with England was becoming strained and possibly bursting at the seams. I therefore recognise that in some manner, we had to try to come to some agreement with England on the behaviour or more so, the provisions where Parliamentarians in England felt like they could move legislation on the Floor of the Parliament in England without even the right of consultation or response from us. I recognise then, as I do now, that the days of the colonial overreach have long passed and these are modern times. I have always supported the fact that this country must, at all times, have autonomy over its direction. I believe that then and I believe that now; whilst respecting and understanding that if we are to maintain our relationship with England, England will always have veto power; that, we will not get away from.

Mr. Speaker, having said that, I was not involved in the early stages of any discussions; it was not the fault of anyone. On the day that the then Leader of the Opposition was invited by the Premier to discuss these matters, I was not available. Therefore, I did not get any intricate details as to what we were going to propose.

I was asked by the then Leader of the Opposition to accompany the team to England. For whatever reason, I didn't go—no need to traverse that ground. But, I did say that if I were going, I wanted to meet with the Premier to find out how this was going to be conducted. This is subsequent to having received the outlined proposals by the Government. Having met with the Premier and expressing my concerns on some of those proposals, which I trust that they understood. I still did not go to England at the negotiation table.

Whilst there, the then Leader of the Opposition kept us up to date, albeit limited, because it was by phone. Mr. Speaker, upon their return, the Leader of the Opposition gave us a folder which included the meetings, agendas and all of the information that we had before, in addition to a memorandum outlining the broad discussions. In there, I found a few that, in my view, were objectionable; in particular, one about the removal of section 81, with the Caveat to allow the Governor to address Parliament in certain circumstances.

Having received that broad understanding of the talks, I requested a briefing from the then Leader of the Opposition. The Leader of the Opposition arranged a briefing. However, through no fault of his, circumstances overtook the Opposition—not the Leader of the Opposition; the Opposition—and that meeting which was scheduled for February the 7th didn't occur. So, I rightfully took the view, I believe, that I was not supporting any Governor to come to this Parliament at will to address the Elected Representatives and, I publicly made that known.

The other one was the Parliamentary Secretaries and I will talk on that in a little bit, but I am just going through why I took a particular position.

I had no understanding from the broader perspective, that Councillors be renamed Parliamentary Secretaries by the new section 54(6). Mr. Speaker, I took that position because knowing Erskine May and understanding that neither Parliamentary Secretaries nor private secretaries are allowed to sit on the Public Accounts Committee. That can and does apply in England because of the number of people who are Elected Representatives; they have much to choose from. So, my concern was whether or not these were going to have constitutional responsibility like Ministers or junior Ministers, is by convention, the usual protocols; I had concerns about that.

I had concerns about the provisions for an eighth Minister, which I expressed to the Premier prior to his departure for England. I had concerns because if we follow the convention that Parliament enables Cabinet, and Parliament is enabled by the people, then the provisions to remove Cabinet gets slimmer and slimmer as night follows day, by additional Ministers being appointed. In particular, those three were my broad concerns, but I certainly didn't have any

concern about us negotiating, enjoying and hopefully getting additional autonomy.

Upon the Premier receiving the Draft Order, I think it was the 10th of November, and his delivery and laying on the Table of this honourable House, I studied it extensively because we were right in the middle of a throne speech debate. As a matter of fact, I delivered my response to the debate that day. So, by the weekend, I had reviewed the Draft Orders and understood them. On the 18th, I addressed this matter in a private meeting with the Premier. He, like many people in this country, was surprised that I would want to leave things like section 81 in the purview of the Governor, based on what he heard me say on the radio, regarding my position. I assured the Premier that he was completely wrong and had changed his position that he knew I had. I have always supported us gaining as much autonomy as possible and I, for one, like he knew, do not support an overreach by any Governor; be it this one, previous ones or those to come.

The Premier and I have had our share of negotiations in the last 19 years, trying to move this country forward with more autonomy; particularly the more recent ones that he talked about: 2008 and 2009, when the two of us fought very hard to make the Governor a ceremonial Governor and for him or her not to sit in Cabinet. We have been on that fight since 2002 or thereabouts. We have not been successful and thus, he has not been successful now again. I believe that if we fight long and hard enough, at some stage, one will be rewarded. Hard work brings reward and one day, we will see the Governor in this country as they are appointed to Bermuda and Cabinet will at long last, be chaired by whoever the Premier is. That is domestic liberation.

Mr. Speaker, I sat with the Premier and expressed the concerns that I still have and I will elucidate on them in a few minutes. Mr. Speaker, I should clear those off the table before I go into any detailed debate on the rest of the proposed changes.

I want to make that very clear, Mr. Speaker, the Premier understood that to get these changes through, despite me supporting 90 per cent of them and having concerns with the other 10 per cent, that he needed the Opposition to support all of them. I want this country and those in Council in England to know, that it was upon my request that the Premier agreed to us postponing the eighth Minister until after the next election and whoever gets elected can address that matter.

Mr. Speaker, my concern with the eighth Minister and our current Constitution which requires a two-thirds majority to remove the Premier, is something that we need to look at after whoever enters these Hallowed Halls after the next election.

I am concerned that because of the composition of this Parliament (which is 19) that an eighth Minister puts it further out of reach of this Parliament to exercise the balance of power. The balance of power

must be vested in all the other Members of this Legislature; Cabinet is enabled by Parliament.

I explained to the Premier we can only make provisions for a simple majority the Government is made up of. That is the only way government operates. A simple majority means there are 10 people in the Government and 9 in the Opposition.

Mr. Speaker, when we have that make up of this Legislature; 10 in the Government and 9 in the Opposition, whether it is one, two or three Parties and Independents, there are nine in Opposition to the Government. If we require a two-third majority, it requires four Members from the Government to work with the Opposition to remove that Premier because we cannot remove the Government; we will remove the Premier, and the government falls and is removed, but that will require two Members from Cabinet. I should pause here to say that I was a proponent of that two-thirds majority in the last Constitution negotiations, 2008 and 2009. Back then, I too, believed that we should not have musical chairs with the simple majority.

Having had the opportunity to watch this Constitution work for the last 10 years, I believe it is time that we go back to the table.

I also believe that like was done in 1997, I think it was, when the 1972 Constitution was changed, the two-third majority was 10 and the legislators of that day, in their infinite wisdom, changed the removal of a government member. In those days, it was members who could be individually removed because they were voted on to go in Exco. The legislators of that day moved that from 10 to 9 and that remained until we got a new Constitution in 2009.

Most people may not remember that but that's the fact. It was not a two-third majority to remove a Member from Cabinet. It only required 9 out of the 15. We have come a long way since; we now have 19 Members.

Mr. Speaker, the problem we have and that we need to address with the United Kingdom is that, as the simple majority, we are faced with a high probability that one of those members will walk and we have a minority government. That means that 10 will be in the Opposition and the government would only be nine. That is the kind of system and balance of power that we are faced with and the possibility of it changing at the whim and fancy of one individual in the Parliament.

If we extend that and we do have eight Ministers, two Back-benchers, and nine Opposition Members, and those two Back-benchers leave the government and we subscribe to the Convention or the concept that Parliament enables the Cabinet, then those 11 should be able to remove the Premier. Because, that means that the rest of Parliament which enables the Cabinet, has now moved from the government and are in Opposition to the government. We don't have a lame duck government anymore, we

have a minority government that cannot and will not get anything done. That is why the Premier agreed with my suggestion to postpone the Minister until after the next general election, so that we can address that matter again.

I thought it was quite a bold move, on the part of the Premier, to agree with that. I thought maybe it was bordering on brave, knowing that he has a large majority in this honourable House and he has members who he could pick from to put as the eighth Minister. He could have reshuffled his Cabinet and put another person where they were best suited and relieve him of that responsibility of Minister of almost everything that he is currently tied down with. I thought it was magnanimous on his part to subject himself to that, having negotiated for it, for so long and so hard. I thank him for understanding my position and appreciating that that balance of power, that is governance and that is what we are paid to do.

Now, I speak to the people of this country; I would not support anything that is not in the best interest of this country.

I came through these Hallowed Halls with certain commitments and one of them was that I would not postpone my principle when it comes to the betterment of this country. I know all others consider that paramount in their life also.

Mr. Speaker, the other concern I had was that of the Governor reserves the power to legislate laws. The Premier was a little concerned that knowing me, he thought that what I said on the radio was out of character. However, after I explained it to him, he understood what I meant when I said to the public that I was not going to support anything where the Governor can come to this Parliament and at the drop of a hat, and address our Parliament excepting for once yearly, or once every two years now; which is the Throne Speech that is managed by the political directives.

Mr. Speaker, I still have concerns about that, but certainly, in the spirit of appreciation or the long lengthy discussions between this country and the United Kingdom, I too, like the Premier, have had to make some concessions. And, we need to address it.

The United Kingdom has veto power over this country; that is expressed repeatedly in our Constitution and is further expressed in these proposed amendments. If we look at them, they maintain that and they will never ever give that up unless this country makes that bold move to go towards independence.

Mr. Speaker, I didn't support any Governor, for that matter, some of them that I have had to deal with, I wouldn't support them managing anything for me. I didn't support a Governor having that authority over this Legislature to make law, as was the case in 1981. Mr. Speaker, that lends to exactly what the Premier spoke of earlier, in that, when there is overstep on what that responsibility is, that can happen any time. The Governor could very well say, *that is my*

responsibility; but it borders, whether it is his responsibility or this Parliament's responsibility to amend or make law in a particular areas. And, with the distance between us and the Secretary of State, anything could happen; so I didn't support that. I still do not support a Governor doing that.

I explained to the Premier that my fear is two-fold. That while the Governor has his responsibility and has the right to make law under section 82 currently, that is, after consultation with the Secretary of State, there is a definitive action. He can make the law as a result of that responsibility that has been given to him.

Mr. Speaker, I think I should pause here to say that this is the section of the Constitution that we couldn't negotiate in 2008/2009 which was mirrored from the 1972 Constitution. There were very little changes made to it. This is one of those sections and we had to accept that.

Mr. Speaker, here is my concern with any Governor, for that matter, coming down to this Parliament. The fact that section 81 now allows the Governor to make laws, albeit under section 55, the only reason the Governor would do that, which is expressly written in the Constitution, is that there is a conflict between the Governor and the Cabinet as to whether or not the Cabinet should entertain him and take it to the legislature for passage. That is the only reason he or she would exercise that provision.

Mr. Speaker, what escapes me in this change is that we are faced with the exercise or the entitlement of the Governor to come to Parliament and address it on matters relating to his responsibility when it comes to the enactment of legislation. Mr. Speaker, here is where I am at with it and the Premier knows that I was going to express my concerns; this is no news to him.

We are made up of 19 Members. If a Governor is allowed to come to this Legislature, having left Cabinet, having a conflict between him or her and the Cabinet, there is no stated objective in this for coming to this Parliament and address it. That concerns me. It seriously concerns me and regardless of what happens at the next general election, whoever comes in here must address that. Many may say that it is political harmony and success comes from being under England. However, Mr. Speaker, it is also true that that political harmony in this country comes from the reasonableness of the people within this Parliament and those who were elected by the people of this Legislature.

Mr. Speaker, I have dealt with some Governors in this country over the last 30 years, maybe; and they weren't worth the salt that you put in your pot. Mr. Speaker, my fear is that, intentionally or not, the Governor coming here to address the Members could disrupt our political harmony. And, at the same time, has the right to write the Secretary of State, without coming to this Legislature and the Secretary of State can

then exercise the veto power, by virtue of proposing legislation. However the provisions now needs the consultation of the Premier and by extension, the country. When all is said and done, I would prefer for that to happen because it is available to any Governor.

So, I would like to see section 80 totally removed, the rely upon section 81, I think it is, and the reliance directly upon the veto power in England which gives us that right to respond, through consultation. We may not get it, but if we are to be an overseas territory, then we must recognise and respect that that veto power will remain.

The Speaker: Honourable Leader of the Opposition, I find that this is a convenient place to take our luncheon break and we shall suspend until 2:00 pm.

Proceedings suspended at 12:58 pm

Proceedings resumed at 2:21pm

The Speaker: Please be seated.

The Assembly has resumed its sitting.

When we took the lunch break, the Leader of the Opposition was addressing the House.

The Honourable Leader of the Opposition.

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

Mr. Speaker, when we took the luncheon, I was going on to the third concern that I had. I covered the other two concerns which were: The eighth Minister and the Governor addressing the Legislature, and my concerns of that possibly upsetting the political harmony that we enjoy and have enjoyed for a very long time. I think that we will have to look at this one following the next general election.

Mr. Speaker, the other one that I had concerns about was Parliamentary Secretaries. Now, Mr. Speaker, as I have said before, it is difficult within a small legislature, to appoint Parliamentary Secretaries with constitutional responsibilities, such as Ministers. In most democratic structures, they are considered junior Ministers. And, junior Ministers have constitutional responsibilities where they then fall within the collective responsibility of Cabinet or of the government. Therefore, it is unreasonable to expect them to sit on a Public Accounts Committee [PAC], which is by far, the most important Committee within this and any legislature, for that matter. So, I had my concerns about that prior to reviewing these Draft Orders, and I expressed such to the Premier as well.

The Premier and I agreed that because there is no constitutional responsibility for Parliamentary Secretaries as they are proposed, we still run the same concerns that we have always had with that creature of Councillors; but certainly, naming them

Parliamentary Secretaries is, from a nomenclature, much more colourful and respectful.

I also suggested to the Premier that we now have to be more cautious and aware of the need to have those recusing themselves from matters before the PAC that relates to their Ministries.

[Inaudible interjection]

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

Well, maybe others in this Chamber will not agree but the PAC is the scrutineers of governments' expense and the scrutineers of the execution of policies. I do know that Erskine May speaks of Parliamentary Secretaries and Private Secretaries not being used on PAC. Certainly, as I mentioned earlier, the United Kingdom House of Commons from where the PAC is chosen, has 650 members and there are some 30 or 40 Cabinet Ministers, maybe less. And, even in those instances, you have some of the Ministers who are made up from the House of Lords. So, there is ample room to choose members for the PAC from.

Currently, we have a situation where there are sufficient people in the Opposition to be on the PAC; that may not always be the case. The fact that the amendment says:

“54A.—(1) The Governor, acting in accordance with the advice of the Premier, may appoint by instrument under the public seal one or more Parliamentary Secretaries from among elected members of the Parliament, to provide assistance to the Ministers.”

Now, Mr. Speaker, we know that in all countries, particularly those of us in the Caribbean, we use our Back-Bench as junior members or Parliamentary Secretaries to keep them busy and connected to the government and the party. In many instances, we use all of them from the back-bench. I am not saying that that is wrong; I am just saying that we have a unique situation when we get to small legislatures and we pick all of those people to serve within the government, as part of the Ministry or Ministries. So, I have my concerns about that and I think those concerns can be alleviated, by virtue of ensuring they recuse themselves, like I believe they do now, to some extent, from the PAC deliberations. But, as an added transparent move, I believe that we need to ensure, by virtue of making a policy, that if any government appoints all of its back-bench supporters as Parliamentary Secretaries, that they try to let them recuse themselves.

Mr. Speaker, by and large, those were the broad concerns that I had and I believe that between the Premier and I, I have had the opportunity to address those.

I have also addressed the Members of the Opposition, particularly those who had concerns and were expressing those concerns quite loudly and publicly about these proposed changes.

Mr. Speaker, we could have lived without some of these changes. It really doesn't bother me about changing the Legislative Assembly to Parliament; it is a mere nomenclature. I can live with it whichever way it goes, so I didn't express any big concern to the Premier about that section.

I do know that the matter of section 32 has been a concern on mine for quite some time. Albeit, I never expressed it and that is entitled:

“Exercise of the Governor’s functions

Section 5 [32(5)] of the current Constitution; it reads:

“32(5) Where the Governor is by this Constitution or any other law directed to exercise any function in accordance with the recommendation or advice of, or after consultation with, any person or authority, the question of whether or not he or she has so exercised that function shall not be inquired into in any court.”

That has been a fear of mine for quite some time. Now, these changes will remove that because I have experienced many times, during my tenure as a legislator, where my interaction with the many Governors over the time, has consulted widely and left Cabinet out of the decision-making process under the functions of the Governor. So, I welcome it. We should not be consulting with people along West Bay Beach and leaving the duly elected political directorate out of the decision making. Mr. Speaker, I welcome that provision.

Mr. Speaker, as I move on to section 5, I have already discussed that matter about the Ministers within the Cabinet which is now not worthy of discussion because it has been postponed.

I also welcome the provision under section 6 which amends section 48 of the Constitution with the Cabinet Secretary.

“(5) The functions conferred on the Cabinet Secretary by subsection (4) may be exercised by the Cabinet Secretary in person or by officers subordinate to him or her acting under and in accordance with his or her general or special instructions.”.

Now, Mr. Speaker, we did that recently for the Judiciary. Wherein, we changed the Constitution to allow the Chief Justice to have operational authority over personnel. There was no clamour to oppose that so I have no reason to oppose the Cabinet Secretary being given full autonomy within the responsibilities given to him or her.

Then, we move on to the Parliamentary Secretaries, which I just went through, so I have no need to traverse that ground again.

“Amendment of section 58 of the Constitution

“8. Section 58 of the Constitution (National Security Council) is amended in subsection (4) by substituting for the words “he or she considers” the words “the Governor is instructed by a Secretary of State”.

If read with those amendments, it would read:

“58.—(4) The National Security Council shall advise the Governor on matters relating to internal security, with the exception of operational and staffing matters, and the Governor shall be obliged to act in accordance with the advice of the Council, unless the Governor is instructed by a Secretary of State [...].”

So, Mr. Speaker, I sit on the National Security Council and we have seen many Governors, who even though it says: *“must act on the advice”*, they choose those few words: *“[...] unless he or she considers that giving effect to the advice would adversely affect Her Majesty’s interest [...]”*. Thus, dismissing the advice that people who are appointed to that National Security and who put their time and effort to give advice for the best interest of this country. I welcome the change, unless the Governor is so advised by the Secretary of State, the advice must be adhered to.

May I pause here and again say to the people of this country, that whilst I understand that participation in this democracy is paramount, and I believe in it; I believe that the people must have their say. I recently supported the referendum drive and I believe that that is good for any democracy, much-less a thriving democracy; that's how we are going to get better.

Mr. Speaker, while these are not giant leaps into the further autonomy for this country, I call them small steps. It may be that others may consider them shuffles, but nevertheless, Mr. Speaker, a thousand miles begins with the first step.

Again, let me say that I do apologise to the people of this country for the shortness in time to consult and get this thing done and the lack of time for us to consult. However, rest assured that I stand here before them and before God today, that if I were not convinced that I was satisfied with the majority of these things, I would not have signed any letter with the Premier. I would have fought it to the end but more importantly, we could not have reached this point where we are debating it.

I support the People-initiated Referendum and I also support Government-Initiated Referendum. I don't think that we should have them every Friday evening, but when they are matters of grave importance and I believe they are necessary to get the input from the public. In this case, it does not advance our Constitution to the point where it threatens the democracy. To the contrary, these changes enhance our ability to govern the country better.

Mr. Speaker, how many times have we heard people come to us and say, *oh, we need to do this and we need to do that?* The converse is not true, wherein people say that we are going to the Governor. The Governor is hereby removed from a lot of what might be considered reasons for anyone to go to the Governor to discuss these matters. It is now being placed squarely on the shoulders of the political directorate. We are removing all doubt with some of this. Albeit, Mr. Speaker, you know the United Kingdom is not going to give up that veto power. But, to my people I say, anyone who is coming out of the UK does not have halos around their heads. They are human beings and I have seen many of them coming here with that intention of leaving their legacy in order that their fortunes in the future are enhanced. If we can curtail some of that and work in harmony whoever comes here, knowing that we have certain autonomy over our local affairs, then I am all for it.

I am not going to try to push this country to the brink or precipice for the people of this country question whether my intent is to go to independence or not; that is their choice. That choice must be made through the process of a referendum.

Mr. Speaker, these are but a few things that need to be done with our Constitution. There is much to be done.

This Constitution, like any constitution is a living document and it must be refreshed and reviewed from time to time. We must also look at the process to review our Constitution from time to time. There are many things that need to be addressed because we have had and operated it for 10 years now. Mr. Speaker, I know there are those out there who are promoting that we are doing this behind closed doors. No, it is not behind closed doors and to those, I would point them to the poem by Theodore Roosevelt, "**The Man in the Arena**".

Mr. Speaker, there are decisions to be made and I do apologise—because of the sensitivities and the time constraints that we are under to try and get this back to England—that we did not have the opportunity to consult widely as much as we would like. Nevertheless, these are good changes to our Constitution. If I survive the next election, I will take it as a personal responsibility to address the matters that I have expressed concerns about. I will take that as a personal area to do.

Mr. Speaker, when we go to section 9, it talks about the Police Service Commission. Again, I welcome that. In 2008/2009 that Premier and I—and the records will reflect it—do you remember the call in 2008 for those talks to be made public and it was refused and the public outcry was: *At the very least, give us the transcripts*, and they were provided. Very few people have looked at them. The verbatim transcripts were made public. Mr. Speaker, one only needs to look there and see the fight that we had for

our Police Commission. I welcome the opportunity for the Police Commission; Again, a small step.

I do not wish for this country to be absolutely a Police State, but there is no police department in the United Kingdom that is not managed by a commission and that was how we proposed it in those talks. They were ready to do it, but the talks being what they were, the lawyers asked for it to be parked until we could get back to it—I will never forget that—and parked it stayed. It is still in park, until now. I welcome it.

I believe that one of the things we may have to do is to look at the make-up of the membership.

"58A.—[There shall be in the Cayman Islands a Police Commission, which shall consist of]—

- (a) the Governor as Chair—for the time being that is one step; we will reach soon.**
- (b) three members, experienced in matter of police, law enforcement, the criminal law or other matters related to National Security, two of whom shall be appointed in writing by the Governor acting in the accordance with the advice of the Premier and the other in accordance with the advice of the Leader of the Opposition; and**
- (c) two members with qualifications described in paragraph (b), appointed in writing by the Governor acting after consultation with the Premier and the Leader of the Opposition."**

Mr. Speaker, you will notice that they are not giving up their right to have control. While we may put one each, the Governor has the right to put two and then has the chairmanship too, small steps. There is nothing wrong with changing is or proposing to change it a little later.

When we hear about "...with the advice of the Premier and the other in accordance with the advice of the Leader of the Opposition" the Governor can't say that those people cannot go on the board. However, when we say; "**[...] acting after consultation with the Premier and the Leader of the Opposition**", that is etched in stone. We cannot dictate those two either; consultation is not advice, it is just notifying you.

Mr. Speaker, I believe that it will all go well that we have a Police Commission, especially on the appointment of police officers in the police force. Of course, there is a room for the National Security to get in there. Those are good changes to this Constitution that will hold us in good stead moving forward, at least starting a step in the right direction.

Mr. Speaker, section 10 of the proposal, amends section 71 of the Constitution, which is, "Standing Orders and Committees". Now, Mr. Speaker, if we are going to allow the Cabinet to have autonomy on domestic affairs and the Legislature to have autonomy on do-

mestic matters, then certainly, the rules that govern this House should not have to be approved by the Governor. I have never met any Governor that ever put up their money to go out and get elected, so in most instances, they don't understand what goes on within these legislatures. You have to come here to understand what it is about.

So, we are removing the words, **“but no such Standing Orders or amendment or revocation of them shall have effect unless they have been approved by the Governor”**. It is now being proposed to remove that, thus removing him or her from these Hallowed Chambers.

Mr. Speaker, the fact that section 11 changes section 77 [of the current Constitution] to allow Bills to be gazetted 28 days, as opposed to 21 days, should be welcomed by the people of this country. But of course, that also allows England and the United Kingdom, the opportunity to opine on the law and it extends the time by seven days. I would encourage the people of this country to embrace that. Despite it being made to facilitate the United Kingdom, it also facilitates the people of this country and it gives those participating seven extra days, before it is brought to this House to be passed into Law.

Previously, the Constitution did not state who could signify that it was an emergency and we have discussed that on a number of occasions. Now, we have changed that to require the Premier to say so — what is an emergency—The Premier (he or she) must certify that it is an emergency.

Moving on, Mr. Speaker; section 12 removes the disallowance of laws, which is section 80. During my time and Mr. Speaker, with you as Leader of Government Business or Premier at the time, when the ICT [Information and Communications Technology] Law was brought here, the Governor wanted to have to approve phone tapping. We disagreed and changed it on the Floor to say that, we wanted a *Grand Court Judge to do it*; we sent it back to him and they sent it back to this honourable House, with the recommended changes. At the time, it was under your leadership in government, Mr. Speaker, and we returned it to the Governor and said that we will not change it—that was under section 80—and immediately, he exercised section 81. So, while it is a rare occasion that section 81 is used, that is, the reserved powers to make law.

[Pause]

Hon. V. Arden McLean, Leader of the Opposition: It was exercised on that occasion through the instruction of Secretary of State. Now, I am saying the same thing again; under section 81, there is no need for the Governor to come here. That is my justification for us to go back and look at this at some stage. There is absolutely no need for the Governor to come here.

I am sure our friends in the United Kingdom will be looking at this, in particular, Ian Hendry, who has been the head negotiator for the United Kingdom Parliament for many years. I know his reasonableness and I am sure that he will look at it objectively and all the powers of reserve are already in our Constitution and by virtue, of the West Indies Act; they are all there. There is no need to send a Governor to our Parliament to address us.

Mr. Speaker, section 124, which is the interpretation section of the Constitution, is amended by recognising what is a “public officer”. We are now removing “Assembly” from there and then recognising additional bodies as not being a part of a public office. Again, these are just updates that should happen on a regular basis, Mr. Speaker.

In my view, the most important part of these proposed amendment, just happens to be the insertion of a new section 126, after section 125. It is entitled: **“Notification of proposed Acts of Parliament extending to the Cayman Islands or Orders in Council extending such Acts of Parliament to the Cayman Islands”**. Mr. Speaker, that arose as a result of the Cayman Islands team trying to get section 125 removed, which is:

“125. There is reserved to Her Majesty full power to make laws for the peace, order and good government of the Cayman Islands.”

Mr. Speaker, I didn't expect that to be removed but what has happened is it is a little better than what we had with section 126, which reads:

“126. — (1) Where it is proposed that—

- (a) any provision of a draft Act of Parliament of the United Kingdom should apply directly to the Cayman Islands, or**
- (b) an Order in Council should be made extending to the Cayman Islands any provision of an Act of Parliament of the United Kingdom, the proposal shall normally be brought by a Secretary of State to the attention of the Premier so that the Cayman Islands Cabinet may signify its view on it.**

(2) This section does not affect the power of the Parliament of the United Kingdom to make laws for the Cayman Islands or the power of Her Majesty to make an Order in Council extending to the Cayman Islands any provision of an Act of Parliament of the United Kingdom.”

So, what they are saying is that they are going to notify us and we can signify our approval or disapproval. Mr. Speaker that is but a small step but it is much more than we had.

This must be said directly to the people of this country: What it will prevent is the act that was conducted in May of last year, when there was an introduction of a Bill on the Floor of Parliament in the United Kingdom and no one was aware that it was going to be introduced. And, I believe, Mr. Speaker that it came as result of the overzealous Members of Parliament which was adversely affecting our local economy. If these draft proposals are adopted, that cannot happen again

Mr. Speaker, I trust that that will be received with opened arms in the UK because that in itself, albeit without control, but at the very least, we get the opportunity to weigh in on these draft pieces legislations. We don't know; we may not change the mind but we will at least have the opportunity to have our position known.

When they did the Sanction and Anti-Money Laundering Bill, if we were notified, we could have gone to the United Kingdom and lobby and talk to them about it. We saw the results of that and what happened with their position on it.

Mr. Speaker, there is much, so I welcome those provisions.

To my colleagues and to the people of this country, we all know that we may find those who love this country as much as I do, but you won't find anyone who loves it more than I do. I believe that can be said for all of us, but I speak for myself,

This country that came from nowhere and has now positioned itself as one of the most sophisticated countries in the Western Hemisphere, and it only has just over 60, 000 people; it is the envy of all. At all times, we must try to keep our position on the world stage. All of us have worked hard to do that. We have painstakingly put things in place to maintain our position. I speak for every Member of Parliament, present and past; and I can say with some conviction that those who come behind us will do the same thing.

Mr. Speaker, I don't want to do anything in a clandestine manner outside of the people's wishes. I believe that we need to try and get his done as quickly as possible. I am open to be questioned on my actions or inactions. We must boldly go into the future and make decisions that are in the interest of this country. I invite all to express your concerns; I have expressed mine. I have had long discussions with the Premier and he understands and has expressed his concerns to me; and I understand those also. However, if we don't walk together, then it will all be for naught.

On a weekly basis, I have people coming to me to saying; *you all have to work together in the interest of this country*. Mr. Speaker, I don't know if they go to the Government but my ears get bend enough with that request. This is what I did in the last few days.

Mr. Speaker, neither did I put the Premier there nor did I put anyone in here but they were all

duly elected and whatever is in the best interest of this country, I am going to do. The people know that if there is any question about it, I am going to oppose it. For the last 19 years, the people of this country know that if the Premier wants to go home tonight wondering what was on my mind; I am going to tell him and I am going to stand my ground. I have done that for 19 years and I have never postponed my principles. I have done what I thought was in the best interest of this county and here I stand before the country today to say exactly that. I did this in the best interest of this, the Cayman Islands that we call home. If I am wrong, then so let it be, but I can only make the decisions that I have been asked to make in the governance for the future of this country with the information that I have before me.

I have exercised that in the interest of the people who elected me, in particular, and the people in general of this beloved Cayman Islands. I do not believe there is anyone in here who would do something that would damage this country. They are all fallible, all human, and we will make mistakes. I do not believe this is a mistake.

Mr. Speaker, I repeat, in the absence of the details of what was being proposed, I expressed my concerns publicly and I maintain those until I found what was being proposed. I say again, Mr. Speaker, I am not totally comfortable with them but it is a necessity for us to move this country forward and that is what I did. If I am to be found wanting for that, then so be it, but I did it to the best of my ability and I believe Members in here will do the same thing.

Mr. Speaker, I thank you and I am sure there will be debates on this matter but I have made my position very clear. I support 95 per cent of this, I have some concerns, and in the interest of moving this thing forward, I would like us to look at them under the new government, whoever that may be. It is not for me to decide that; it shall be decided by those people out in this country. Maybe, they will say to us, *it is not you*, but remember, those who come in here are going to make the same decisions with the information that they have available to them.

Again, I apologise to the people of East End but Mr. Speaker, you know we have been in here until 12:00 at nights and there has been no time. Furthermore, the referendum was alive and well until that got stopped recently. We have had a lot of work done in the last three weeks, lots of work. I am proud of the Opposition Bench and all of the scrutiny they have carried out in their responsibility. I had the responsibility to scrutinise these proposals and I did that, and that is where I stand right now. That is why I signed that letter jointly with the Premier to send to England; to say that I agree with them in general.

I thank the Premier for recognising that I had concerns about that eighth Minister and he acquiesced to my concerns. Whether I am here next time or not, that will be decided then.

Mr. Speaker, I thank you.

[Pause]

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

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

[Pause]

Mr. Alva H. Suckoo Jr., Elected Member for Newlands: Thank you, Mr. Speaker.

Mr. Speaker, I know there are some concerns that I may take a while but I want to reassure everyone that I am going to as brief possible because I know that most Members want to speak on this important Motion and I don't want to take up all the time. So, I will get on with my contribution.

Mr. Speaker, I think we are all familiar with the saying, *don't throw out the baby with the bath water*, and what that means.

In rising to give my contribution to this Government Motion on the Cayman Islands Constitution (Amendment) Order, 2019, I spent some time reflecting on what I would say today; bearing in mind that there have been some controversial moments and it hasn't been smooth sailing the entire way. However, just about a year ago, tomorrow I think, the former Leader of the Opposition, the Member for North Side and I were in the UK negotiating these changes as a part of the Government's negotiating team. One year later, a lot has change politically; not just here in the Cayman Islands but globally and we are now finally at the point where we can discuss and debate these proposed changes.

In not trying to *throw out the baby with the bath water*, Mr. Speaker, I am going to focus most of my debate is on why these proposed changes are actually good for this country. Sometimes, in our haste to be political, we may overlook the good we are trying to achieve and the adverse effect of that would be to throw out something good because we are not doing things for the right reasons.

I had to think long and hard about this when I sat down to put my thoughts together with regards to what I wanted to say. Naturally, people are on all sides of this issue. I have learnt in my short time in politics that you cannot please everyone but you can respect everyone's point of views and that is a fact of politics.

With regards to this Motion, I have come to understand what some of the viewpoints are, in that, some people feel that we could make the necessary changes to the Constitution to protect us from another incident of overreach by the United Kingdom Government, which is the path we have taken today, by debating this Motion and hopefully voting on it.

Some people have the viewpoint that we should first hold a referendum on the changes and allow the people to voice their opinions and views via their vote. Another view was that we could wait for the 2021 Elections and if those who are elected campaign on the change, then whoever the majority is at the time, if they are elected, could go ahead and put the changes in place or go back to the negotiating table; or we could simply do nothing.

I will respect all of those viewpoints, Mr. Speaker. I have heard different variations of those viewpoints from people in the public and those interested in this debate.

My point of view and my position is that I understand clearly what needs to be done here today. I believe that at the crux of that, it is without hesitation that we must move to protect the Cayman Islands and not waiver in our commitment to do so.

Mr. Speaker, this is no time for us to play hero, politics, victim or play the fool. We have a serious task presented in front of us here today. If we are truly looking for an, "*Us*" versus "*Them*", this could be it, but it is not Government versus Opposition today; it is us working together. If you want an "*Us versus them*", it is Cayman versus those in the UK Parliament who chose to overreach and went outside the remit of their roles in their Parliament.

Today, Mr. Speaker, we have a huge opportunity to enhance the autonomy of this Country and to protect it from what I just called an overreach, the imposition of laws enacted, not here in our honourable House, but almost 5,000 miles away across the Atlantic Ocean.

Mr. Speaker, it is no secret that I started down the path of studying law not so long ago. I was trying to not make it be public knowledge, but it has. I did it for a very distinct reason, Mr. Speaker. I did it because I felt that studying law would enhance my ability to serve the people of Newlands and the people of this Country in general. So, yes, I have gone down that pathway and it has helped, Mr. Speaker. As a matter of fact, I have this experience starting almost a year ago, and it inspired me to write about the Sanctions and Anti-Money Laundering 2018, Bill as my dissertation for Law school.

So, I have been doing some research and I have been compiling some thoughts on what exactly happened which was in 2018 when the UK House of Commons passed an amendment to the Sanctions and Anti-Money Laundering Act, 2018. Written in their amendment guidance notes: "**This section requires the Secretary of State to provide all reasonable assistance to the governments of British Overseas Territories to enable them to establish publicly accessible registers of beneficial ownership of companies, and, no later than 31 December 2020, prepare a Draft Order in Council requiring the government of any such Territory that has not introduced such a register to do so.**"

Mr. Speaker, we all know that that amendment was passed in both Houses of Parliament and imposed an obligation on the British Overseas Territories to implement those registers of beneficial ownership, no later than December 31st 2020. It gave the UK Government the authority to forcibly implement the registers through an Order in Council should any of the existing overseas territories fail to do so on their own. Clearly, Mr. Speaker, this caused quite a bit of concern through the overseas territories.

To date, the use of Orders in Council had been reserved for use and matters that the UK felt it had an international obligation to implement across the legislatures of the overseas territories, such as: abolishing the death penalty and decriminalising homosexuality, for example.

Mr. Speaker, the UK, through their Parliament, had also approved individual constitutions for the overseas territories and these individual constitutions were based on the principles of Rule of Law; Parliamentary supremacy. From the perspective of the Rule of Law and in applying some of the rules, the constitutions of the overseas territories have to ensure that the laws of those territories are:

- accessible
- applied without discretion
- applied equally
- limited to their intended purpose
- protective of rights
- not cost prohibitive and unnecessarily lengthy to resolve disputes
- fair in binding on the State in national and international affairs.

Those constitutions also established the supremacy of the UK Parliament and operate on the basis that they were established by an Act in the UK Parliament. And are therefore constrained and operate under those powers directly conferred on them.

Mr. Speaker, the extent that prerogative power still exists and the extent that they can and will be applied in the context of the constitutional arrangements is also an area of controversy and must be examined from the perspective of the amendment that was passed.

Many believe that the Sanctions and Anti-Money Laundering (Amendment) Act, 2018 was a political move. [This was] based on:

- global reaction to the Panama Paradise papers
- failed to take into account the existence of the lack of a global standard for beneficial public registers
- the failings of the UK's own register
- the lack of inclusion of the Crown dependencies
- failure to recognise the different levels of compliance with international requirements

such as the FATF [Financial Action Task Force] Anti-Money Laundering regime; and

- failure to assess the overseas territories' capabilities and standards

All of these point to the hypocrisy of what was done to these Islands, by what I consider a rogue Member of the UK Parliament.

So, Mr. Speaker, I need, for the record, to also mention several recent incidents which should hopefully illustrate how urgent and important it is that we move forward with what we are doing here today.

I want to refer to the 23rd June, 2016 when the UK actually voted to leave the EU. The 'Leave Campaign' won by 51.9 per cent and in the aftermath of that, the Prime Minister David Cameron announced his resignation. Then, on the 13th July 2016, Theresa May became Prime Minister.

As the Times said, *no new prime minister in the modern era would have entered Downing Street with an [Inaudible] that is full and faithful as hers.*

Mr. Speaker, on the 17th January, in her first substantial speech on Brexit, Theresa May said that, **“remaining a member of the single market, would mean being bound by EU laws. That would mean in practice not leaving the EU.”** That speech revealed her desire to move forward with a hard Brexit.

On the 29th March 2017, May triggered Article 50 of the Lisbon Treaty, formally kick-starting the two year countdown to the exit.

On the 8th June 2017, Theresa May lost her parliamentary majority and was forced to make a deal with DUP [Democratic Unionist Party] to stay in power.

On the 8th December 2017, following a series of late night negotiations in Brussels, the UK and the EU agreed on a deal on the UK's "Divorce Bill".

On the 6th July 2018, Theresa May took her Cabinet to her country retreat in order to sign-off on a collective position for the rest of the Brexit negotiations. Mr. Speaker, at that meeting, David Davies resigned over May's new plan and Foreign Secretary Boris Johnson followed Davies out the door.

On the 25th November 2018, a 599 page draft withdrawal agreement was published. That agreement actually angered both the DUP and the Brexiteers.

On the 15th January and the 12th March 2019, May attempted to get her deal ratified by the Parliament but with Brexiteers worried about UK remaining in the Customs Union through the backstop, and with the DUP concerned about potential disparity between Northern Ireland and the UK, the Prime Minister suffered the heaviest defeat in modern parliamentary history, losing 432 votes to 202.

On the 12th April, the UK's deadline for leaving the EU was pushed back to the 31st October.

Mr. Speaker, on the 24th June, after failing three times to get her withdrawal agreement through Parliament, Theresa May set a resignation for the 7th June.

The 24th July Boris Johnson took over as Prime Minister.

On the 28th August the new Prime Minister asked the Queen to suspend Parliament for five weeks.

On the 4th September, MPs took back control and Boris Johnson demanded a general election.

Mr. Speaker, on the 2nd of October, Johnson set out his reasonable compromised Brexit deal.

On the 6th October, following a phone-call between Johnson and Angela Merkle, there was an announcement that the Brexit deal was overwhelmingly unlikely.

On the 19th October, Johnson was legally obliged by the Benn Act to send a letter to the EU on that date, requesting a three month Brexit extension after Parliament refused to pass his deal.

Now, Mr. Speaker, we have arrived at the point where on the 12th December, 2019, there will be a general election in the United Kingdom.

I took the time to go through that detail because I wanted to make the point that I don't want anyone to miss, with regards to this Motion: If we were ever in a position that we had to do something urgently and we had to act quickly and decisively, it is now.

That timeline that I just read highlights how volatile and uncertain the political climate is. I sincerely doubt that this Legislature is going to get another opportunity like this anytime soon. This shows how uncertain politics can be and at times like this.

Mr. Speaker, I have my manifesto here, I am not going to read or Table it, but I brought it along just to remind me that I didn't campaign on this. I have no form of mandate to do this. I don't think many of us would because I don't think that this was on anyone's mind in the 2017 Elections. However, with the challenges of the day and the situation that has presented itself to all of us, we have to act.

There are times when you don't have a political mandate and it is justified that you move forward and do what you think is best.

I will read a quote that I have on the cover of my Manifesto. *"The ultimate measure of a man is not where he stands in moments of comfort and convenience but where he stands at times of challenge and controversy."* I think we all know who wrote that, Martin Luther King Jr. I chose to put that on the cover of my manifesto to remind me that there would be days like today. That despite having to put aside some of the things that you have ordinarily pushed for, you have to strive to do what is best.

The fact that not many of us would have had this in our manifestos could be used in an argument to say that we should wait and do this by referendum. But I read the letter from Mr. Chris Bryant to your good self, Mr. Speaker, and while these changes are not minor, I think that we have arrived at a point where the controversy is now being dealt with. We heard the Leader of the Opposition say that most of his con-

cerns have been addressed; I think I can safely say that we have all spent time necessary to go through these proposed changes.

Changing the name of the Legislative Assembly to "Parliament" is as the Premier said earlier, not just a name change but it raises the stature of this honourable House. In the Westminster system, the commonly used word is Parliament; legislature is more of a generic description.

I won't go through the changes in section 32 in painstaking detail, as the Leader of the Opposition already has. Nonetheless, I think they are significant enough that we need to make sure that people understand why we are supporting these changes. The amendment to section 32 [of the Constitution] is going to require the Governor to consult with Cabinet even in the exercise of his or her special responsibilities in section 55. It removes the inability to inquire into the Governor's actions in court. That is significant. It also increases the requirement for the Governor to inform Cabinet on civil service matters.

Mr. Speaker, the amendment to Section 44, as the Honourable Leader of the Opposition said, has been basically parked until after the next general election.

The new section 54 creates Parliamentary Secretaries, which I think the intention is to just replace Councillors with Parliamentary Secretaries. While I understand some of the concerns that the Honourable Leader of the Opposition pointed out, I did serve as a Councillor and I understand how important those roles are to any government in managing their work load, ministerial load and being able to delegate to a trusted colleague to get on with doing some work. Therefore, I understand the value that those Parliamentary Secretaries will bring to the government.

The amendment to section 58 also removes the ability of the Governor to ignore the advice of the National Security Council without the intervention of the Secretary of State. Again, it is a positive change, more accountability.

The new section 58, the Leader of the Opposition talked about the creation of the Police Service Commission, and involves the appointment of local people, which is something we have all heard our constituents talk about. We have all heard politicians talk about it expressing that we want more involvement and more control over what the police service does. As the Leader of the Opposition described, it is a baby step. In case anyone is concerned, Mr. Speaker, the drafters have gone to the length of ensuring that none of these individuals would be serving politicians. Again, this provides a layer of protection against any potential for corruption; which is something else that people have talked about for many years.

Mr. Speaker, the amendment to section 71 removes the Governor's ability to influence Standing Orders in this Legislature.

The amendment to section 77, the Leader of the Opposition talked about the consultation period and the lengthening of that, which can only good. Also, the removal of section 80, which for a lack of a better word is “huge”; it takes away the Secretary of State’s ability to disallow laws passed by this Legislature. This enhances the autonomy of this Legislature and of our elected representatives.

The amendment to section 81 protects us against legislation being passed outside of the parliamentary process. Again, it is very important to preserving the integrity of our democracy in ensuring that the laws we pass and things we do, reflect the wishes of the people we represent. So, for example, if the Governor wants legislation passed which relates to his section 55 responsibilities, he or she must address Parliament. I know that is not normal convention, but it is a fair trade-off, I think to remove that ability to just pass legislation without the involvement of this legislature.

The amendment to section 124 just inserts references to Police Commission and the use of the word ‘Parliament’.

The new section 126 requires that the Secretary of State receive input from the Premier, on behalf of the Parliament, on any proposed Act that the UK Parliament wishes to apply directly to these Islands or any Order in Council being extended to these Islands. It may not exactly prevent that from happening, but it does open the dialogue and give us an opportunity, through the Premier, to actually be involved in the process.

[Pause]

Mr. Alva H. Suckoo Jr.: Overall, Mr. Speaker, these changes represent advancements to the Constitution which is designed to protect these Islands from another overreach by the UK Parliament Legislating and or making decisions for us on domestic matters. I think that these changes also serve to advance our Constitution to ensure that the Governor and the Secretary of State cannot and will not simply act on their own, with regards to passing laws which will impact the governance of this country.

Mr. Speaker, personally, I was neither here nor there with regards to the additional Minister. But, after talking with the now Leader of the Opposition, I take his points and concerns to the effect that it will have on the balance of power within here. I agree that that one needs to be parked and talked about some more so that we get it right.

It is good to see that this honourable House will be solely responsible for the advancement of the Standing Orders and for the laws passed domestically in the Cayman Islands.

I know that what I have gone through here will draw some criticisms, Mr. Speaker, because I have already heard some people make reference to the fact

that we are changing the Constitution to give ourselves more power and ability to have less oversight from the United Kingdom. Mr. Speaker, I think that point of view is contrary to what we also hear a lot of our people complain about, that Caymanians are capable but we don’t get the opportunities to show that and to be masters of our domain and captain of the ship. These are baby step towards being able to do that.

We are leaders in this region, both from a financial services point of view and tourism. There is no doubting that and it shouldn’t surprise anyone that it would be our desire to advance our Constitution to the point where we have more autonomy and more internal control over what happens to this country moving forward politically.

Mr. Speaker, we always talk about people underestimating our ability. So, while the 19 Honourable Members in this Legislature will have more power and autonomy in how the country is run, we shouldn’t see this is a bad thing. We should see this as an advancement and apposite move. Caymanians are ready to take more responsibility. We all swore an oath that we would do what we could to make the lives of our people better; that is our primary responsibility. I don’t think anyone got elected and came in here with the intention to make things worse. While we may disagree on how we go about doing that, we all came here from that same basic understanding that we chose to serve to make people’s lives better. So, Mr. Speaker, I see this as a positive move and it takes us even further away from that colonial system that used to govern these Islands.

Mr. Speaker, I know we will get the complaints and will be accused of all sorts of wrongdoing. I am realist I know what to expect, Mr. Speaker, and the criticisms will come: *Why are we doing this without a referendum?*

Mr. Speaker, the “Partnership for Progress and Prosperity” when presented by the Foreign Secretary, Mr. Robin Cook, defined the new relationship between the UK and the overseas territories. He also presented a renewed contract between the UK and the territories which was focused on citizenship, environmental goals, financial standards, good governance and human rights. That partnership sought to ensure that the political development in the territories was given high priority and that a consultative approach and mutual understanding was given effect via the establishment of the Overseas Territories Consultative Council. It sounds good but how much of that has been achieved?

Mr. Speaker, our progress towards this day has not been perfect and while I was a member of the negotiating team, I will say that it was quite encouraging that relatively younger Members of this Honourable House were chosen: myself, the Minister for West Bay South and the Minister for George Town North. Relatively inexperienced Legislators were chosen to

assist the Premier and the Leader of the Opposition. It was encouraging that we were given that opportunity and I think our presence there allowed a very broad cross section of the viewpoints of the people of this country to be represented.

I will not start to complain about what happened after we came back; only to say that there was a lot going on and I haven't really received any updates. I didn't know that we had actually received a Draft Order from as early as January. Nevertheless, there are other issues that make some of our people more sceptical and critical of what we are doing. If we had gone down the road of ensuring that the Standards in Public Life had been enacted, that the District Council had been dealt with, and even the Referendum Law, I think the course for us would be a lot easier here today. Those failings will attract criticism and people will say, *well, if you couldn't do that, why are you doing this?* It will come.

Mr. Speaker, I cannot stand here and let this debate devolve into an '*Us versus them*' across the aisle. For whatever reason, certain things didn't happen but here we are today and I think today of all days, we have to rise above the politics and get this done in the best interest of this country.

I don't know if we will ever be presented with an opportunity like this again, given the volatility of politics in the United Kingdom and globally. We don't know what is going to happen when the UK goes to the polls in a few days.

Mr. Speaker, I really had to do some soul searching because having been involved in the most recent People-initiated Referendum for the Port, having been involved in the One Person One Vote Referendum and advocating for referendum both times, I feel a bit torn. However, I don't want anyone to make the mistake of thinking that I have changed my view on the necessity for referendum; either government or people. Either way, I now understand why those provisions are in our Constitution and why most modern constitutions across the world would contain provisions that allow for either a people-initiated referendum or a government-initiated referendum.

Nonetheless, I do want to assure those listening and those concerned, that what our Constitution requires is that when issues are no longer considered controversial, then we can take this path. I always understood that this would be the chosen method to implement these changes because after having gone to the UK and negotiated, my understanding was that we told them what we wanted and then they would tell us what we could get—it was back and forth. Then, we would come back with a list of agreed changes and then those would be presented here and we would debate them.

While there are those who may say, that that doesn't allow the public to weigh in and have a say, it actually does, because we are elected by the public. We are elected and we represent the voters of this

country; there are 19 of us, Mr. Speaker. Therefore, through us, our constituents will have their say. Given everything else that was happening at the time, the timeline hasn't allowed for wide scale public consultation. It hasn't allowed for us to go throughout the country and have public meetings to conduct polls, if necessary, to gather more feedback from our constituents. Each of us is a representative of a single member constituent, Mr. Speaker.

I believe it is incumbent upon us to listen to our constituents and to follow their wishes. It is also a part of our responsibility to make sure that we understand what the wishes of our constituents are. It is our individual responsibility to go out and canvass and talk to our constituents to ensure that they support what we are doing.

I also have a firm believe that our constituents—and this has been said to me by constituents—expect us to also lead and make decisions on their behalf; especially when it comes down to situations like this where we don't have a lot of time. There are opportunities that can benefit all of us and there are opportunities that we need to capitalise on immediately. Mr. Speaker, my constituents expect me to make decisions on their behalf and that is what I intend to do here today.

So, Mr. Speaker, I have satisfied myself that the controversial issues have been resolved. I think the Leader of the Opposition did a good job in explaining that. What we are being presented with here today is an opportunity to reconcile putting these changes in place versus taking the easy road and just say, *no, I am not doing anything until we do a referendum*. I think moments like these define leaderships and leaders, Mr. Speaker. Our people have to now trust that they voted for leaders who are going to make the right decisions on their behalf and that we are going to make informed, intelligent and smart decisions based on what we have been represented with.

Mr. Speaker, as I said, I was proud and honoured to have been asked to accompany the team to London, and I played a supporting role to the then Leader of the Opposition; the Member for North Side. I fully support his efforts and what he did when we went to London together. He worked along with the Honourable Premier and his team. I think that that made a huge difference in the outcome because when the team from Cayman arrived and you have the Leader of the country accompanied by the Leader of the Opposition, you would not see that happening in many instances. I think it sent a strong message.

I was at a dinner in London and I had the opportunity to speak to two sitting Ministers; I won't say which governments, but both of them told me that they would have never taken that chance. They would have never invited the Leader of the Opposition along on a negotiation like that.

Mr. Speaker, the Premier and I may not be twins when it comes to our political philosophies. It is

no secret that we often disagree on the different ways to govern this country or how we would individually govern the country but I would never accuse him of deliberately trying to harm this country and that is the difference.

Mr. Speaker, I have to give credit to Premier because he took a risky path, one that could have resulted in disaster. However, I think he has been around this political world long enough to know that the path and approach he was taking would result in what we are faced with here today, which is a unified effort to protect this country and do what is best for this country. There may have been moments when even he may have questioned his decisions but clearly, that political wisdom has shown through and I have to give him all respect for doing that. He could have easily tried to do this in a more underhanded way and I think that would have resulted in disaster.

So, while we got off to a rocky start, I think that wisdom now shines through.

I also want to say that not only the Elected Members of the negotiation team but the civil servants who accompanied us all played a very important role in negotiating. The Honourable Attorney General and his staff and the Cabinet Office, all of those members played crucial roles in getting us to where we are today. I think everyone has to be commended.

I really don't think that there were any personal agendas at play. I think everyone went there with the intention of representing this country and doing what is best for this country.

Mr. Speaker, where does that then leave us? I want the country to understand this because I think everyone can tell that I am a bit torn because it ordinarily isn't the way I approach things. If we leave things as is, you have to ask yourself: What is next? What is the next issue and crises that is going to be pushed on us? Will it be Gay marriage? Will it be the right people who are not Caymanians to vote? Will it be income tax? These are all questions that we have to now ask ourselves.

[What will happen] if we don't move our Constitution forward, and put the decision-making and the control of what happens here firmly in the hands of our elected representatives who represent the wishes of the people of the Cayman Island? For those on the outside who think that this is a power move and that this is being done for selfish reasons, think about what I just said. I have a responsibility to the people I represent and serve along with the future generations of this country.

Mr. Speaker, I am willing to put my political credibility on the line here today that this is the best thing for us. I am not saying that I am any more embedded in this than any other Member in this honourable House, but I do feel that we walked away from those talks with the best deal on the table. I don't think we could have been any better.

Mr. Speaker, those who still have doubts and are not convinced I am happy to talk to them; I am happy to talk to anyone about my experiences. I have stayed quiet until today. I have not said much publicly. There have been some controversies and some political turmoil, but at the end of the day, I stayed quiet because I knew that I would get up one day and say what I am saying here today.

These changes are all good, Mr. Speaker, they are not infringing on the rights of any single Caymanian. These are enhancing the rights of Caymanians and enhancing the representation we can give them, and that can only be seen as a positive.

I hope that the fact that Members of the Opposition can get up and support what is being done—through this Government Motion—sends a loud signal to the rest of the country, that they need not worry, their wishes have been well represented and their rights have been well protected. While today is one of those days that we work together for the best interest of this country and tomorrow may be one of those days that we don't. Mr. Speaker; for today, this is the best thing to do for the Cayman Islands and I am proud to be a part of it, extremely proud. I would say it is the highlight of my political career so far.

Thank you, Mr. Speaker.

[Applause and desk thumping]

The Speaker: Does any other Member wish to speak?

The Member for North Side.

Mr. D. Ezzard Miller, Elected Member for North Side: Mr. Speaker, I have discussed these proposed constitutional changes over the two years of this exercise with my constituents in at least three public meetings. I have done so with the wider Cayman at least four times on talk shows. I have sat and taken the time to listen and talk to many Caymanians and I have not found a single one who disagreed with the changes, once they understood what we were trying to do.

Mr. Speaker, the team that the Premier led to the UK for these talks was a good team. We sat around a table amongst ourselves and made the important decisions. We then presented to the United Kingdom team a united front on those positions. There was no disagreement around the negotiating table. The Premier must be given credit for the way he managed the team. Our united front, as a team, is the reason we were so successful in getting the changes that we did. Mr. Speaker, these proposed changes will greatly enhance the governance of Cayman by Caymanians for Caymanians.

Mr. Speaker, I support the proposed changes 100 per cent without reservation.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Does any other Member wish to speak?

The Minister of Commerce, Planning and Infrastructure.

Hon. Joseph X. Hew, Minister of Commerce, Planning and Infrastructure: Thank you, Mr. Speaker.

Mr. Speaker, I am cognisant that all speeches written are spoken as a dead language until you find a willing and prepared audience, and after 15 to 16 days in here at quarter past four, I hope somebody is watching or listening.

Mr. Speaker, I rose to say a few words as part of the negotiating team. As the Member for Newlands said, sat at the table just about a year; tomorrow will be a year ago, with myself along with the Premier, Leader of the Opposition at the time, the Member for North Side, the Deputy Leader, the Member for Newlands and the Minister for West Bay South and the Attorney General and supporting staff.

Mr. Speaker, I won't delve into the minutia of the changes, as they were well ventilated by the Premier and others today. However, Mr. Speaker, other than feeling extremely honoured to have represented our beloved Isles at the FCO [Foreign and Commonwealth Office] in Whitehall, Westminster, to negotiate on behalf and for the people of these three Islands, for greater autonomy, for greater responsibility and for greater control of our own destiny.

Mr. Speaker, and honourable Members of this House, what was most gratifying and will be the most memorable thing, was the immense pride I felt as a Caymanian as we sat across from the constitutional legal team from the FCO as one government; not an opposition or a government, not West Bay or George Town, not Grand Cayman or the Sister Islands but foremost, Mr. Speaker, as Caymanians displaying unity, maturity and showing immense national pride.

Mr. Speaker, we showed a deliberate will to achieve our objective and that was to advance our constitution for a more mature democracy to serve generations of Caymanians to come. Mr. Speaker, it was not an easy task. With a negotiating team across the table from us reminding us on more than one occasion that we have that ultimate option available to us. But, Mr. Speaker, we were purposeful and tenacious in our efforts, and I believe that these final amendments, whilst we did not achieve all that we asked, should be hailed as a significant victory for the people of these Cayman Islands. Mr. Speaker, I may venture to say that there may be a victory for all of our overseas territories brothers and sisters.

Mr. Speaker, as I promised to be brief, I look forward to wholeheartedly supporting these meaningful advancements to our Constitution. I will be voting yes with all that I know within me that we are doing the right thing for these Cayman Islands.

Thank you, Mr. Speaker, and may God bless these wonderful Islands.

[Desk thumping]

The Speaker: That is a good note to end on your speech; vote 'yes'.

The Minister of Financial Services and Home Affairs.

I can say from now the next would be . . . well, you can change your mind but I saw you rise after her and you have that opportunity. Don't do what you did in the Budget debate.

[Laughter]

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs: Mr. Speaker, I think it goes without saying but it is important that we stress it once again: today's debate marks a very significant moment in time for our country. It marks a significant milestone in our journey to have recognised our right and ability to govern our own domestic affairs fully and freely without political or other interference therein.

Mr. Speaker, it also creates a greater responsibility and thus a greater accountability on the part of the political directorate represented in this Chamber of the Cayman Islands. It also represents a significant moment in time for me personally; one that I now realise I have been preparing and looking forward to for almost 20 years, almost two decades.

Mr. Speaker, the Premier in his opening remarks gave a bit of a historical preamble to how we got here with respect to the constitutional modernisation activities that took place, really in earnest from the end of 2000 to when we got the Constitutional Order in 2009; nine long hard fought years. But, Mr. Speaker, I would like to take us back even earlier in time; a time that really signified my own-start in politics. So, for me to be able to stand here as a Member of this Legislative Assembly and to debate, approve and pass a motion which signifies and signals our desire as a country to further enhance our Constitution to be able to recognise our ability to govern our domestic affairs has certainly been a long time coming for me.

Mr. Speaker, you see, I got my start in politics way back in 2000, campaigning on the need for constitutional reform in order to move the country forward, towards internal self-government.

Now, Mr. Speaker, another Member spoke about the 1999 White Paper called "Partnership for Progress and Prosperity" written on the overseas territories. I believe this is the first time we were referred to as "overseas territories" because, as you can see . . .

Mr. Speaker, I must say I channelled the energies of my friend, the Leader of the Opposition when it came to going back and digging up into the archives and trying to find documents that were amazing when looking at what is kept. Imagine what you keep that you think is important. So, in looking through my files, I came across my 2000 campaign folder on constitu-

tional reform, and Mr. Speaker, for visual effect it is a pretty hefty binder.

[Laughter]

Hon. Tara A. Rivers: And I came across the Partnership for Prosperity document. In March 1999 the FCO published a White Paper which sets out the recommendations on issues, including the constitutional link and relationship with the overseas territories, which represented a clear indication that during the coming months, and in our case, years, they would be active discussions by the UK with the overseas territories regarding constitutional change. In that paper, if you look in an excerpt of the forward that was given by Robert Cook, the then Secretary of State for Foreign and Commonwealth Affairs in March 1999, in outlining the principles that underlie the partnership, it made it very clear that **“The people of the Overseas Territories must exercise the greatest possible control over their lives. We are proud that our Overseas Territories are beacons of democracy. We applaud their achievements, and we want them to have the autonomy they need to continue to flourish.”**

Mr. Speaker, although this paper had been Tabled in parliament, in March of 1999 and that for at least a good year before, there was discussion and a review carried out by the United Kingdom Parliament trying to ascertain the views, discussions and the feelings of the various overseas territories with respect to how they wanted the continued constitutional relationship linked and other principles enshrined to be governed and to exist with the United Kingdom. Although all of that was happening in the backdrop, the average Caymanian man and woman on the street knew nothing about this. There was no national discussion taking place, no town hall meetings being held locally, no representations made to the United Kingdom by a delegation sent from the Cayman Islands, as was done in other overseas territories at the time.

In fact, Mr. Speaker, in 1998 a Private Member's Motion 11/98, appointment of a select committee to take input from the public on the review of dependent territories which was brought by you, Mr. Speaker, and seconded by the Honourable D. Kurt Tibbetts, expressly recognised as part of its recital: **“AND WHEREAS there has been no public discussion on the review”**. [UNVERIFIED QUOTE]

Mr. Speaker, in looking at the Hansards, despite the fact that this motion was passed by this honourable House in June 1998, nothing was subsequently done to have that national discussion. So, Mr. Speaker, the review was conducted and concluded by the UK Government and presented to the UK Parliament in March 1999 without any form of input from the people of the Cayman Islands. The report was to act as a blueprint for which the UK was to carry out the constitutional modernisation exercises with each of its territories in the years to come. As I said, we heard

from the Premier that it took nine long years for us to get our new Constitution Order.

So, Mr. Speaker, there I was, a young university graduate having spent a few years in public service, feeling the need to go beyond—and I daresay, to go out on a limb—to raise the level of national awareness of discourse about the need for constitutional modernisation and the need for Caymanians to be aware of what was coming down the pipeline. Because, Mr. Speaker, I would also like to quote in your own words, in your opening debate of the Private Member's Motion 11/98: **“If there was ever a time where the people in these Islands needed to be awake and alert it is now.”** [UNVERIFIED QUOTE] And, Mr. Speaker, those words still hold true today. So, I left my job as a civil servant to contest the 2000 General Elections, campaigning primarily on the need to raise the level of consciousness in the country about what was coming down the pipeline, in order for us, as a country, to be prepared for what it meant; What we wanted and how we saw our future relationship with the United Kingdom.

Mr. Speaker, at that tender age, I felt for too long we had been passive recipients, as opposed to active participants in determining our future. And so, being only one of a few and certainly the only one in West Bay speaking openly about this issue on the campaign trail no less; speaking about the need for Cayman to press for a constitution which recognises internal self-government, I knew had its risks. For many, it was a bold and courageous move. It represented the kind of leadership that the country needed during such times. And yes, for others, and in particular, my opponents, it provided the opportunity to portray a firebrand or a radical in thinking, for even mentioning out loud, much less on the campaign trail, the need for constitutional advancement to give us more control over our own domestic affairs.

Notwithstanding, Mr. Speaker, I felt passionately about it then and I feel passionately about it now. It was a risk I was willing to take in order for me to play the role that I believe all of us should play as legislators and that is raising the level of national discourse on matters that are so vital and critical to the country. Of course, Mr. Speaker, as they say, the result of the 2000 general elections held on 8th November . . . well, the rest is history.

As time has shown, it was the right thing to do to raise the issue in early 2000 to encourage the national discourse and to push for a greater awareness by the public of what was imminent to come.

Mr. Speaker, this process of really considering what it means to have and the need for constitutional advancement was really the defining moment for me in deciding to pursue a career in law. Reason being, at that time, there were two careers that I was running from like the plague; accounting and law. However, as a result of having to do the kind of research to prepare for the campaign, looking at the various documents,

the consolidated Constitution 1972; looking at the draft Constitution, July 1992, looking at all of the Foreign and Commonwealth Office proposals for constitutional advance, report by the constitutional Commissioner, Rt. Honourable, the Earl of Oxford and Asquith 1972 and everything thereafter, really brought it home. In that, in order to be able to effectively make a change as a legislator or otherwise, you have to understand the process of developing and making law.

Again, with respect to this process it has been a very personal one for me and one that I realised that I have been preparing for, for at least the past 20 years. Fast forward to 19 years later, as a second term MLA [Member of the Legislative Assembly] and Minister, I was afforded the opportunity to be at the table as part of the Cayman Islands Government delegation, representing the constitutional negotiation talks in the UK on the 7th and 10th December 2018, helping to negotiate the terms of what we have before us today.

Mr. Speaker, all the speakers that have spoken thus far, [have said that] what we have is good, right, and, is what is needed at this time to move us forward to ensure and secure our ability to govern our domestic affairs without interference.

Mr. Speaker, if ever there was a time for the Cayman Islands to ensure it has this increased self-government more clearly recognised in the context and in the text of the Constitution itself, it is now.

The Speaker: Honourable Minister, do you expect to complete in the next few minutes?

Hon. Tara A. Rivers: In very short order, yes.

The Speaker: When you say 'short order'... We have reached the hour. Will you be two or three minutes?

Hon. Tara A. Rivers: I think you should take the interruption just to be safe.

[Laughter]

MOMENT OF INTERRUPTION—4:30 PM

The Speaker: I thought so.
Honourable Premier.

SUSPENSION OF STANDING ORDER 10(2)

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

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

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

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

AYES

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

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

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

As I was saying, if there was ever a time for Cayman to ensure that we have the self-governance and self-government mechanisms in place to more clearly recognise that, in the text of the Constitution, it is now.

Mr. Speaker, we are a highly sophisticated self-reliant jurisdiction with strong economic pillars. We are a world leader in financial services across many sectors and a regional leader in tourism. We have a stable political environment that respects democracy and the rule of law. We have a fair impartial and competent judiciary; all of the hallmarks of a well-functioning stable country and society. As a country, not only are we capable of managing our own internal affairs, but it is my view that we are desirous and should be able to completely manage our own internal and domestic affairs. The constitutional relationship in the UK should recognise the progress we have made as a country and should not be a hindrance in any way to achieve that.

Mr. Speaker, speaking very bluntly, the time for imperialism is over. It is wholly inappropriate for a sitting government over 4,000 miles away to be able to dictate its own political ideologies, principles or policies without reference to, or consultation with the local duly and democratic elected Government of these Islands.

Mr. Speaker, by at least getting an expressed acknowledgement, as reflected in clause 15, regarding the insertion of a new section 126 of the Draft Order in Council being debated today in our Constitution, of the need for the UK to consult with the Premier prior to any draft at the Parliament applying to, or Order in Council being made, extending to the Cayman Islands, should give the UK Parliament cause to pause before making reckless, politically charged amendments or concessions as, in my view, was done when they passed the amendment to the UK sanctions and Anti-Money Laundering Act, without debate, I may add, Mr. Speaker. That amendment was made without debate in the House of Commons which impacts only the British Overseas Territories and not the CDs [Crown Dependencies]; taking such action at the expense of the sovereignty of the Cayman Islands to govern its own domestic affairs in all areas of delegated responsibility.

The addition of expressly having the 'for avoidance of doubt' clause reflected in clause 5(3), the amendment to section 44 declaring that **“ . . . the Cabinet possesses autonomous and exclusive capacity in domestic affairs for any matter . . . ”**; **“ . . . that is not a special responsibility of the Governor [. . .] or a function which the Governor must exercise under this Constitution [. . .] or empowered or directed, [. . .] to exercise without consulting with the Cabinet. . . ”** makes it clear on its face that the Cabinet has complete and exclusive power to set national policies on domestic affairs.

In clause 4, the amendment to section 32 also narrows the scope in which the Governor can act without consulting Cabinet; again, without recognising and respecting the increasing role of Cabinet to participate in the governance of these Islands.

Mr. Speaker, this need to consult with Cabinet is not only appropriate, in my view, but it is necessary in order for the Governor to duly carry out his or her functions. Because, Mr. Speaker, as you serving the longest in this House would know, that in all such instances to date, a governor comes from overseas for a finite period of usually three years, in most cases, without having any previous experience or interaction in the Cayman Islands with our people; not having the benefit of having the cultural or societal context in which they are expected to govern, as governor, pursuant to their areas of special responsibilities in the Constitution. So, it only makes sense and only lends to good governance by the Governor to consult with the Cabinet that was democratically elected to serve and to represent the interests and wishes of the people.

As the Premier indicated, we did not get everything we asked for reflected in this final Draft Order agreed to by the UK. In my opinion, some of the provisions do not go far enough to recognise the grownup status we enjoy as a highly successful, self-reliant overseas territory. But that is the nature of negotiation; you give some to get some. Furthermore, I believe by and large, we have gained quite a lot. We have achieved notable progress in gaining some significant and important concessions made by the UK Government as a result of our negotiations, as reflected in this Draft Order in Council which is subject to debate today.

As has been done by previous speakers, I think it is absolutely critical that I highlight the revocation of section 80 (the disallowance of laws) made and passed by this honourable House and the revocation of section 81, Governor's reserved power to make domestic law was a key concession and agreement made by the United Kingdom which underscores the ability for this House to set and make domestic legislation for the governance of this country.

Mr. Speaker, like the Premier and the Leader of the Opposition previously did—as was expressed by the Leader of the Opposition in his debate—during

the 2018 Constitution negotiations, I too fought very hard to get the requirement for the Governor to sit as Chair of Cabinet to be removed from our Constitution.

As a result of the changes made and reflected in the 2009 Constitution Order, that advance constitution that we have now governing our territory and relationship with the United Kingdom, the Governor's role in Cabinet is purely an administrative one. He or she is not a member of Cabinet and does not have a say as to what policies are passed or rejected by Cabinet.

So, you see, Mr. Speaker, the problem that I have with having the Governor continue to sit as Chair of Cabinet, is essentially saying to the country that, whereas we have a Premier that appoints and leads the Cabinet that “possesses autonomous and exclusive capacity in domestic affairs”—as is being reflected in this document of an entire country, but, Mr. Speaker, she or he as Premier, cannot manage a meeting of Cabinet? To me, this appears to be an ironic and superfluous constitutional position to have. If the Premier can govern a country, Mr. Speaker, the Premier can manage a meeting of Cabinet.

Nonetheless, Mr. Speaker, going back to the principles of negotiation, being: You give some to get some, this is one of those positions I believe we have to accept at this stage, in order to get some of the vital changes and clarifications needed and reflected in this Draft Order in Council.

Mr. Speaker, I want to sincerely thank the Premier for affording me the opportunity to be a part of these important negotiations with the United Kingdom Government, as part of the Cayman Islands delegation, because—as I previously said—the issue of constitutional advancement and the need for internal self-government is of paramount importance to me as a legislator and even long before I was such. This experience has definitely been one of the most significant and defining experience of my political career to date, and it has been an honour and a privilege to serve the people of this country, in particular, my constituents of West Bay South in this way.

Mr. Speaker, as the Greek Philosopher Heraclitus said: “The only constant in life is change”. So, as we continue to change, to grow and to evolve as a country, so too will the need to change, adapt and evolve our constitutional relationship with the United Kingdom, until there comes a time, if at all, the people by referendum decide that there should be an ultimate change in that relationship.

Mr. Speaker, the fact that each and every one of us in this House has put domestic politics aside to act in unison for the greater good of this country is a clear demonstration of the political maturity of this Legislative Assembly, soon to be parliament; and our willingness and preparedness to govern our own domestic affairs accordingly. We have come a long way. To hear the type and the level of discourse about the Constitution and the need for constitutional change now in 2019, as compared to 2000, brings it home to

me. This is probably more so than many of the newer ones, especially in this Chamber, that when it comes to constitutional advancement and self-determination, as Ecclesiastes 3:1 of the New International Version says: "There is a time for everything and a season for every activity under Heaven."

Mr. Speaker, now is the time for us to act. Now is the time for us to signify to the United Kingdom that we collectively are in agreement with these changes; albeit, appreciating that the Draft Order may not represent everything that we may individually want. Good governance requires coming together for the greater good of the country, and that is what each and every one of us in this Chamber was elected to do.

I have done my part individually, starting as far back as 2000, in trying to move this country forward in a way that is in its best interest for generations to come. And I will do my part, as a part of the collective, as a Member of this Government and this Legislative Assembly, soon to be Parliament, to vote in favour of this Motion.

Mr. Speaker, God bless the Queen of which this Draft Constitution Order recognises is the one to make this order.

God bless the people of the Cayman Islands of whom I was elected to govern and serve.

Thank you.

The Speaker: Just to say that I am glad that that Member realises that there is a time for everything under the sun because 2000 was not the time but she did not realise that. But, I certainly appreciate her historical points.

The Member for George Town Central.

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Mr. Speaker, I rise to give my contributions to the Government Motion No. 3, entitled: The Cayman Islands Constitution (Amendment) Order, 2019.

Mr. Speaker, I think this Motion presents a great opportunity for the Cayman Islands to progress towards greater self-governance and obtaining more freedom of local legislative autonomy, which is manifested in the package of reforms, contained in the Draft Cayman Islands Constitution Order, 2019. It has great appeal and on the face of it, is an achievement for us to be proud of for our Islands.

I commend the efforts that have brought us this close to the significant Constitutional reform. In particular: The Honourable Premier, the Honourable Joseph Hew, The Honourable Tara Rivers, the Honourable former Leader of the Opposition - Ezzard Miller, the Honourable Deputy Leader of the Opposition - Alva Suckoo and the now Leader of the Opposition - the Honourable Arden Mclean. These efforts put the Cayman Islands behind the steering wheel with stronger control of our own destiny, while also remain-

ing a British Overseas Territory. This is truly a great achievement for our history.

We have heard from the Honourable Premier as to what the changes are and why they are important. Also, Mr. Speaker we have heard from the Leader of the Opposition about concerns from these proposed changes. So, I will not regurgitate what was said by both Honourable Members.

Mr. Speaker, the Letter of Entrustment, dated 10 June 2009, from the then UK Parliamentary Under Secretary Chris Bryant provides a clear path for amending our Constitution; where the Honourable Premier and the Honourable Leader of the Opposition declared their agreement that the changes are minor or uncontroversial. This has now occurred in their joint letter dated 20th November 2019 and signed by both of them expressing that ". . . **although the changes are not minor, they are nonetheless uncontroversial.**"

Mr. Speaker, while there is a time-sensitivity involved in this decision because the UK's elections are days away, I still believe this to be a major matter of national importance that is best suited and ripe for a referendum under section 69 of our Constitution for the people of the Cayman Islands to ultimately make this decision. However, I note, I am neither the Premier nor the Leader of the Opposition.

In a letter addressed to the Honourable Premier dated 10th November 2019, Lord Ahmad made it clear that the next step for agreeing to this package is to obtain the broadest possible cross party and public support for these reforms. And, the UK Government's general approach has been to require a referendum, unless minor or uncontroversial.

Although, Lord Ahmad did admit there may be circumstances where a referendum may not be possible or appropriate.

Mr. Speaker, Lord Ahmad further requested that the Honourable Premier outline how he intends to "**seek the broadest possible support for the reforms both within the Legislative Assembly and the wider public.**" And, if the decision was not to hold a referendum, it would be helpful to explain the case for not doing so.

Mr. Speaker, the Honourable Premier and the Honourable Leader of the Opposition have stated their belief that, "**a referendum is neither necessary nor appropriate and instead our agreement to the reforms will eventually be confirmed through a resolution in the Legislative Assembly.**"

Furthermore, they stated that they consider that the consensus reached is of such significance as to notifying Lord Ahmad without further delay.

I have no doubt that Honourable Premier and the Honourable Leader of the Opposition have the best interests of the Cayman Islands at heart. However, it is with significant hesitance that I feel that we still should have, at the very least, some road shows of

public consultation, so that the people of the Cayman Islands can share their views and concerns.

Mr. Speaker, but I do recognise and accept that due to the exceptional circumstances, we did not have enough time to conduct the necessary public consultation, as would normally be expected in such major changes of the Constitution.

Mr. Speaker, when I sought election to this honourable House, I ran on the basis that I would diligently seek my constituents' input on major matters for decision-making purposes. But, Mr. Speaker, though I accept that the time has not permitted that commitment, I am pleased to say that I made best of the circumstances of the time restrictions as I could.

Just last evening, I created a video seeking the approval from the general public but particularly from the constituents of George Town Central. Please permit me, Mr. Speaker to read what was said in message to the people.

"Good day my fellow Caymanians,

"I come to you today as a matter of urgency.

"As a Member of the Legislative Assembly and your representative for the constituency of George Town Central, it is my responsibility to act on your behalf in our House of democracy. As many of you may know, the country has recently been given approval by the UK to make some important changes to our Constitution, once it is approved by the Members of the Legislative Assembly.

"After much examination and analysis of what is proposed in the constitutional changes, I believe that these changes to Constitution are good for our country and for our people. These changes to our Constitution can achieve a significant improvement and important clarifications around the roles and relationships between the UK Government and the Cayman Islands Government.

"The changes relate mainly to:

1. changing the name from "Legislative Assembly" to "Parliament"
2. clarify when and how the Governor should consult with Cabinet
3. add one additional Minister to Cabinet, bringing the total membership from seven to eight (including the Honourable Premier)
4. further clarify the role of the Cabinet Secretary
5. create Parliamentary Secretaries which will replace the role of government Councillors that supports Ministers
6. clarify when the Governor is not obligated to act upon the advice of the National Security Council
7. the Creation of a Police Service Commission
8. remove the requirement for Legislative Assembly rules to be approved by the Governor
9. extend the period for publishing Bills from 21 days before a meeting of Parliament to 28 days

10. remove the Governor's power to stop your representatives from making laws

11. revoke the Governor's ability to enact legislation for matters within his areas of responsibility but gives him a right to address Parliament if there is a matter under which the UK Secretary of State approves him to speak to the Parliament, if the government is unwilling to create a particular law; and

12. amend the Constitution so that the UK must first notify the Premier and Cabinet of an proposed legislation they wish to impose by Order in Council, but the Cabinet is given the opportunity to make their views known

"I asked for your support and approval for me to vote yes for these changes when it is debated tomorrow on Friday 6th of December.

"Normally, I would seek your input and direction on major matters of this nature by way of town hall meetings or directly speaking with you all. Unfortunately, due to special circumstances, time has not permitted me to have that direct consultation with you on this matter. This is why I have come to you through this forum.

"The UK will be holding their elections on December 12 and this opportunity for these important constitutional improvements may not be available with a new government.

"Please, I ask for you to give me your support to vote Yes on these important constitutional changes, as I genially believe it is a another step to greater self-governance.

"God bless you and God bless our beloved Cayman Islands.

"Don't forget to share this video"

Mr. Speaker, I am pleased to report that even within the short period of time, I received significant feedback from the public giving their approval for me to support the changes under these exceptional circumstances.

I think this is the point when I say, thank God for Facebook, E-mail, Text, WhatsApp, Instagram and Social Media. These platforms allowed me to consult with my people and get guidance within a very limited period of time.

Mr. Speaker, I think it is important to highlight a concern that can come from this route we have chosen to take with these major changes to our Constitution. That concern, Mr. Speaker, is that future governments may want to use a similar route when making major changes to the Constitution, to circumvent the exercise of ensuring the widest public consultation and support from the public on future major constitutional changes.

Mr. Speaker, just for the record, I am confident that all Members of this House would have pursued public consultation and support if the confine-

ments of the UK elections where not an issue. So, Mr. Speaker, just for the record, this method is not the norm and should not be taken or used as the norm when making major changes to the Constitution in the future.

In closing, I would also like to note, that today's debate and proposed changes, represent not only a stronger control of our own destiny, but it also represents our political maturity. The maturity that regardless of our political differences, regardless of our squabbles and regardless of our political affiliations, we, as Members of this honourable House can and will come together, work together, to protect and strengthen the Cayman Islands and our people.

As a new Member to this honourable House, it gives me hope for the future of our beloved Islands. A future where we work together, find the solutions together, and make Cayman a better place for all Caymanians, together.

Thank you, Mr. Speaker.

The Speaker: The Honourable Attorney General, and just so that we keep a line, the next person who caught my eye was the Member for Bodden Town West.

The Honourable Attorney General.

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

Mr. Speaker, as King Henry VIII said to his six wives, *I won't keep you long.*

[Laughter and Crosstalk]

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, I rise to understandably support the Government's Motion: Motion No.3/ 2019, as it relates to the Draft Constitution (Amendment) Order, 2019.

Mr. Speaker, we often hear the expression: *the Constitution is meant to be a living, breathing instrument.* It means, Mr. Speaker, that it is expected to evolve, to change with the time, and thereby adopting to changing our contemporary circumstances. Because it is a living document, it is contemplated that it will not remain static. It is expected to reflect contemporary thinking and to reflect the requirements of the Islands.

The current Constitution was promulgated in 2009, which is some 10 years ago and the Bill of Rights came into effect three years later. Mr. Speaker, I would say 10 years is a reasonable period within which a society can be expected to have arrived at an informed position, as to the workings of the Constitution. Therefore, it should come as no surprise that as a mature democracy, we have arrived at that conclusion, hence the initiative to have some changes to the Constitution while still retaining the basic fundamental thereto.

Since 2009, there have been a couple of other minor, albeit, not inconsequential changes to the Constitution. For example, the extension of the tenure of judges, from 65 years to 70 years—as you may have heard the Honourable Premier mention. Also, there were some changes to the disciplinary framework for judges.

Another observation regarding the utility of our Constitution over the past years, is that although there were some reservations by some in our society about the wisdom of having the Bill of Rights, there are those among us who, over those years, have utilised the Bill of Rights to address what they consider to be grievances with the State. This latter issue resulted in varied views within our society, indeed within our democracy. But, as a society, we still continue to co-exist in a relatively harmonious way.

Mr. Speaker, I mentioned earlier about the fundamentals to our constitutional framework remaining largely unchanged, notwithstanding the proposed changes being discussed here today. By that I mean, for example, the executive authority of the Islands continue to be vested in Her Majesty, the Queen, and continues to be exercised on Her behalf, by the Government of the Cayman Islands, which consist of the Governor and the Cabinet. The Governor still retains special responsibility for the conduct of the business of Government as it relates to defence, external relations, internal security (including the police) and the appointment, discipline and dismissal of civil servants (including the appointment of judges and other senior public officials).

Other fundamental aspects of our Constitutional framework such as the Legislative Assembly's ability to enact laws, the Cabinet being responsible for the formulation and implementation of policy, et cetera, will all remain in place.

We also heard from the discussions here today, Mr. Speaker, that Her Majesty Government (HMG) will still continue to retain the power to make laws for the peace, order and good government; but the amendments are ultimately approved. That power to do so (to pass laws for the Cayman Islands) will be tempered by the proposed section 126, which will provide that, such proposed legislation—

“126. (1)(b) [...] shall normally be brought by the Secretary of State to the attention of the Premier so that the Cayman Islands Cabinet may signify its view on it.”

Although it has been made clear, Mr. Speaker, that it won't ultimately affect the power of the UK Parliament to legislate for Cayman, it is in our view, nonetheless, a significant gesture of participatory democracy and mutual territorial respect.

Mr. Speaker, by way of perspective, the Sanctions and Anti-Money Laundering legislation that was dealt with by the UK Parliament—and was referenced by the Honourable Premier—triggered discussions about the constitutional relationship between the UK

and the overseas territories. Mr. Speaker, the ability or power of the UK Parliament to enact legislation for the overseas territories has a very long history, stretching back to, I think, 1774, in a case from Grenada that went all the way to the Privy Council. In that case, the Privy Council ruled that in a conquered colony, (which is what Grenada was at the time) if the Crown—The UK—establishes a representative legislature (which is what we have in the Cayman Islands) and does so without expressly reserving to itself, the power to legislate for the colony, then that power can no longer be exercised.

This position was again confirmed by the Privy Council in 1938 in a case named *Sammut v Strickland*. Confirming as it did, that the grant of representative institution (which is like the Legislative Assembly) without expressly reserving to the UK itself, the power to simultaneously legislate for the territory, will preclude the exercise of the prerogative, as long as the local legislature is in existence. Accordingly, in order to undo the ruling of the Privy Council in *Campbell v Hall*, this section 125—Power or Reservation, can be found in most of the current constitutions of the territories, including: the British Virgin Islands, the Turks and Caicos Islands, Monserrat and some others. Whether the territories were conquered, settled (such as Cayman) or ceded, it has been done so as to remove all doubts about the plenary power of HMG to legislate for territories.

Mr. Speaker, I think the only exception is Bermuda, in the 1968 Constitution. They do not have a power to legislate for Bermuda because such reservation was not expressly provided for in the Bermuda Constitution. However, ever since then, to cover itself, the UK has insisted that this power be inserted in all the overseas territories constitution.

The Honourable Premier also made specific reference to the proposed amendment to section 44 which sought to reinforce the fact that the Cabinet possesses autonomous and exclusive capacity in domestic affairs for those matters that are not a part of the special responsibility of the Governor, pursuant to section 55 of the Constitution.

Speaking about greater participatory democracy; allow me to point out that they are not insignificant adjustment to section 77(2) of the Constitution, which currently requires Bills coming to this House to be gazetted for 21 days before the commencement of the Meeting at which it is to be introduced. It is proposed that the 21 days be changed to 28 days; thereby ensuring greater scrutiny of Bills prior to debate thereon in this House, which would be styled, 'Parliament' if the changes are agreed.

Mr. Speaker, as the Honourable Premier said, there are some reservations by some about the proposal for a Governor's right to address the Parliament. That is the proposed new replacement to section 81. Mr. Speaker, while I hear the reservations and I do not discount them, I am confident that this will be a right

that will be invoked very sparingly. Indeed, Mr. Speaker, I would not be surprised if most of us here today may not witness such an initiative.

Mr. Speaker, in my experience, whenever there are disagreements between the Cabinet and a Governor, somehow, we always arrive at an accommodation without either side having to resort to any public show of discord. So, Mr. Speaker, I am persuaded that this provision may very well never be utilised in our time or at any time in the foreseeable future.

Mr. Speaker, there are other proposed changes, all of which are very important and are reflective of contemporary thinking, as to be expected in an evolving society. As you heard sir, I was present at the talks in London and I can attest to the fact that there was good faith and sincerity, on the part of all of those who were present from Cayman, ably led by our Honourable Premier, and supported by the Leader of the Opposition, including the Governor, as well as those from the UK side of the table. I think in the circumstances all are to be commended.

As has been said before, the changes are progressive. They, among other things, seek to devolve more powers through the Cayman Islands and are therefore to be welcomed.

Mr. Speaker, I think this is an incremental step in the modernisation of our Constitution and they are steps that ought to be embraced by all, as we march forward.

I thank you, sir.

The Speaker: The Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Mr. Speaker, I want to apologise in advance, I am battling the cold and a little cough, so just bear with me a little bit.

Mr. Speaker, there was an English poet, William Ernest Henley, that at the age of 12 lost one of his legs to tuberculosis. A few years later, he was told that he had to lose his other Leg, to which he said, No. He decided to challenge the diagnosis and to undergo a surgery that was considered revolutionary at the time.

It was during his recovery that he did his best work and to which he is best remembered. One of his best works is also one of my favourite poems, and it was introduced to me from a very early age by my late father. The poem goes as follows:

**“Out of the night that covers me, black as the pit from pole to pole,
I thank whatever gods may be, for my unconquerable soul.
In the fell clutch of circumstance, I have not winced nor cried aloud.
Under the bludgeonings of chance, my head is bloody, but unbowed.**

**Beyond this place of wrath and tears, looms but the Horror of the shade,
And yet the menace of the years, finds and shall find me unafraid.
It matters not how strait the gate, how charged with punishments the scroll,
I am the master of my fate, I am the captain of my soul."**

Mr. Speaker, the name of the poem, is "**Invictus**", and is the Latin for the words 'unconquered'.

When you look at the word 'unconquered', it basically says to not overcome, not defeated, or not subjugated. Other words could be: invincible, unbeatable, and unstoppable.

Mr. Speaker, a few weeks ago, every single Member of this honourable House paid our respects to an icon that represented a generation that in my eyes were unconquered. They were the generation that ushered the Cayman Islands from the "Islands that time forgot" to the unstoppable, unbeatable society that you see here today.

Mr. Speaker, many times we would hear the Honourable Leader of the Opposition say: *many have seen our glory but they do not know our story*. It is our story, Mr. Speaker and that untold story that made us who we are today. It is only from understanding that story, will people understand the Cayman Islands, and why we are unique, and why, despite being a British Overseas territory, the Cayman Islands and the Caymanian people are unconquered.

Mr. Speaker, for those who are familiar with the concept of Nation Building, they will tell you that using conventional measurements, the Cayman Islands should not be where we are today and because of their inability to truly understand what we have, they call it a miracle. No, Mr. Speaker, it is not a miracle and I will attempt to hopefully explain today one of the many reasons I believe we are successful. I believe that this approach is necessary, as we cannot know where we are going without first understanding where we are coming from.

Winston Churchill said it best: **"The farther backward you can look, the farther forward you are likely to see."**

During the recent budget debate, one Member from the Government bench accused the Honourable Leader of the Opposition of seeing the glass half empty. Mr. Speaker, nothing could be further from the truth. The truth is, Mr. Speaker, we don't see the glass as either half empty or half full; what we are saying is that there is no glass at all. The Cayman Islands were built by people who saw neither limits nor restrictions. Mr. Speaker, there are many people today that don't really appreciate the sacrifices and tenacity of the Caymanians of yesteryear and what they were able to achieve.

If I were to ask you, any Honourable Member of this House or even the public as a whole to tell me the country that had the following economic metric, I

am willing to bet no one could have gotten it right. Mr. Speaker, can you think of a country that had:

- 70 per cent of their population living in rural conditions
- 10 per cent having access to electricity
- 10 per cent having a secondary education
- the average life expectancy of 45 years; and
- more than 50 per cent of their income being spent on food

Most people would think that was either some place in Africa or some other backward place in Southeast Asia. Truth be told, Mr. Speaker, that was the great United States of America just over a hundred years ago. Look at the United States today.

Mr. Speaker, just over 50 years ago, the Cayman Islands weren't much better; look at the Cayman Islands today. What happened? Today, we call it a miracle. For those that were alive back then, it was just another Friday.

Mr. Speaker, I remember as a little boy, when asked about the Cayman Islands one of the answers I would tell people is that we are a colony of England. Silly me, back then, I had no idea what colonisation really was or what it meant. What I didn't realise then was that, that answer was actually an insult to the Caymanians of yesteryear, when viewed through the lens of time.

While for historical purposes, Cayman was a colony of the United Kingdom, the truth is that we were never really colonised by England because we had nothing to offer them back then. We didn't have sugar cane, bananas, tobacco, or cotton to give them, and as such, they had no use for us and we were an outlier in the British Empire.

Unlike our other Caribbean neighbours that were truly developed so their wealth could be exploited or to borrow a phrase from Roy Bodden's book; **"Cayman In Transition", "the Cayman Islands found themselves in the unique position of being a society with slaves, as opposed to a slave society."** In retrospect, that makeup of our society, contributed to Cayman's success and I will explain why, shortly.

However, before doing so, Mr. Speaker, I want to go back to the United States and look at one of the things that the United States did at the turn of the 20th century that started them on the path of becoming a global superpower. Mr. Speaker, like me, I know you are well read and would have known that the United States we see today, didn't start out that way and that the very first Crown Colony was established in Virginia, back in 1624.

Like many other Caribbean Islands, Virginia was also developed and exploited for its natural resources and they, like other Colonials, literally had to fight for their freedom in the American Revolutionary War. But, one of the things that led to the United States turnaround was their ability to innovate and

create industries from scratch. A perfect example of this, Mr. Speaker was the auto industry.

At the start of the 20th century the car was seen as a tool or a toy that only the rich could afford. Henry Ford changed that with his Model T. He made a car that was practical and affordable for the average person and that revolutionised transportation in the United States in 1908. Would you believe, Mr. Speaker, than when Henry Ford started making cars there were barely any roads for the cars to drive on? The cars actually came before the road.

As a matter of fact, Mr. Speaker, the US government tried to build roads decades before and had to abandon it, as they couldn't raise the money. However, with tax on car sales and gasoline, they were able to raise money and the rest is history. Nevertheless, the point I want to make, Mr. Speaker is that the innovation and the industriousness of the American people came before their success. I raised that point to put in context, what I am about to say about our Cayman Islands.

By the Cayman Islands being abandoned and left as an outcast in the British Empire, it forced our people to innovate and become industrious. We literally created an industry from scratch and that. Mr. Speaker, the ships weren't coming to us, the world wasn't coming to us; so what did we do? We built our own ships, we built our own schooners and we went to the world. Jobs were unavailable here, so what did we do? Our men went to sea and found jobs. We were industrious. We had that "can-do" attitude and that "never give up" attitude. That is the foundation that built the Cayman Islands.

Mr. Speaker, it is said that if you stay ready, you never have to get ready. And, sure enough, when the opportunity arose for us to grab the banking business out of the Bahamas, we were ready.

Mr. Speaker, when I listened to my parents, grandparents, and others speak about life back then, it really inspired and motivated me. It told me that we could do anything and we could achieve anything. But Mr. Speaker, if we are to be truthful to ourselves and look deep within our psyche, we have to admit that we have lost some of what made the Cayman Islands successful.

Mr. Speaker, we have gone from being the owners, innovators, and entrepreneurs of our industries, to being mere employees within them:

- the banks in our financial industry didn't originate in Cayman — the last one that originated here was recently sold
- the major accounting firms today didn't originate in Cayman
- the major law firms that originated in Cayman are either renamed or the owners aren't Caymanians; and
- the major hotels were originally built by foreigners— and the list goes on.

Mr. Speaker, I say all of this to say that we have lost sight of what made us who we are and we are losing that uniqueness. All of a sudden, we have to do this and we have to do that because our competitors are doing it. When did we stop being innovators and owners of industries and started to become followers and employees?

Just look in this Legislature, Mr. Speaker, it is filled with many Members who overcame many hurdles to sit inside here. I know that I am preaching to the choir because every single Member in here had to work hard to get inside here. Of course, some had an easier path today because they did a lot of work yesterday and is a proven commodity.

Mr. Speaker, if you go to Wikipedia and do a quick search on the topic of "crown colony", you will see, as I mentioned before, the first one was Virginia back in 1624. But Mr. Speaker, do you know where the second crown colony was established? It was established in Jamaica, in 1655 and the third crown colony was Bermuda, in 1684. Ironically Mr. Speaker, the last crown colony to be established was in 1962, right here in the Cayman Islands.

Does anyone in this honourable House believe that the Cayman Islands story started in 1962?

Mr. Speaker, it was the foundation and the mind-set that was laid prior to 1962 that made the Cayman Islands what it is and what differentiated us from our neighbours both economically and politically, and I will tell you why.

If you go back to how countries or nations were formed it started at the community level. It was at the community level that society was born. When a society comes together they will naturally create their own economy based on trade and they will also create their political system to manage or govern their society. Nevertheless, the point I want to highlight is that the community came first and the economy and political systems followed. In other parts of the Caribbean that was not the case. Instead, the economy was created first, the people were then brought in to service the economy, and a political system put in place to achieve the goals of the economy.

In essence, Mr. Speaker, these societies were custom built to make money for the European colonisers. And, Mr. Speaker, do you know the person who was responsible for ensuring that everything runs smoothly? The person who made sure that the goods were sent back to the Mother country and that the natives didn't become restless? That person who was given all that power was the Governor.

Most people will forget that prior to the 2009 Constitution, both the Cabinet and this Legislative Assembly were mere advisors to the Governor and that the Governor had all the power.

While it may not as been as obvious to many of us, as we didn't have some of the challenges in dealing with the British like our neighbours did. If we had some of the issues that Bustamante of Jamaica

had, Eric Williams of Trinidad, or Grantley Adams of Barbados had, we would have a different mind-set. We would have had a mind-set where we would want to decide our own destiny. But Mr. Speaker, where we have not given our neighbours credit is that somehow, despite their challenges, despite being custom built and exploited, they were able to make it work and at the end of the day, they are still here.

Why is that such an achievement? Look at other places around the world that were hobbled together as a result of conquest. Look at what was:

- Yugoslavia
- Czechoslovakia
- the former USSR
- look within the Baltic States
- look within the Middle East
- the Roman Empire
- the Greek Empire; and
- the Ottoman Empire

They are all gone.

Yet, we in the Caribbean are still here and when it counts, we are also here for each other.

Look at the assistance that we gave to other British overseas territories, the Bahamas, Haiti, and Dominica when they needed assistance. Did you know, Mr. Speaker that when we needed help, Haiti, the poorest country in the Western Hemisphere stepped up to help us? Whether we want to admit it or not, Haiti did more for us than the UK government when we needed help the most.

Mr. Speaker, I was at the airport organising supplies that Digicel sent it after Hurricane Ivan. It almost moved me to tears to see food arrived here that came from the Haitian Red Cross. The little that they have, they were willing to share it with us. That is who we are, Mr. Speaker. We have a community that was built by being God-fearing and caring and we built our economy by being daring and sharing. And, just as how our community and our economy have evolved over the last half century, so too must our political system evolve. But, Mr. Speaker, the question we must first ask ourselves is this: Evolve to what? What must our political system achieve at this time in our development?

One of the simplest working definitions of “politics” is: **The activities associated with the governance of a state.** We recently celebrated the 60th anniversary of our first written Constitution, in 1959 and I am sure that everyone will agree that today, the Cayman Islands are not what they were back then—at the time of our 1972 Constitution. When we had the Constitutional Commissioners back in 1992, and the Cayman Islands have changed a lot since then. Even 10 years ago, when the current Constitution came into effect, a lot has changed.

As I said before, politics deal with the activities associated with the governance of the state. This legislature, is empowered by the people of the Cay-

man Islands to undertake the day to day governance of these Islands. If you were to visit www.gov.ky and look at the latest organisational chart for the Government, you will find that we are ultimately responsible for the governance of:

- 29 areas of direct responsibility covered by Members of Cabinet
- 85 Departments and Sections; and
- 89 Boards, Committees and Authorities

All in all, Mr. Speaker, there are over 200 entities; therefore, I can understand the need for seeking an additional Minister and also Parliamentary Secretaries. But, Mr. Speaker, and yes, there is a ‘but’, like our neighbour to the North, the United States; I also support their concept that political changes do not occur until after an election. Hence the reason I did not support the new Minister being added this term. The Councillors are already in place and a change of name won’t hurt but rather correct their unconstitutional appointments and give them recognition under the Constitution.

I also want to make clear that while I, like many of my colleagues on this side, supported the Premier efforts to take the necessary steps to deal with the United Kingdom’s ability to overreach; I had reservations with the process and would have preferred that these changes being done via a referendum.

However, when I look over the horizon, and see the challenges that we are facing from the EU and other external forces, coupled with the uncertainty of Brexit and a possible Labour-government made up of some really scary and crazy individuals, who would like to see Caymanians reduced to nothing but selling coconuts on the beach; that is a greater concern to me, than worry about a departure from my original position.

I would prefer to explain my actions to the people of the Cayman Islands, where I supported changes to the Constitution that may insulate us against some of our external threats, than explain my inactions that resulted in some of those threats being realised. My personal constitution and my understanding of the risks that these Islands face does not afford me the luxury—to borrow a quote from my friend for Savannah—of “pussyfooting around” to score political points, while our Islands stay exposed to many external threats.

Mr. Speaker, this is not about political versus non-political. This is about survival versus non-survival. I have many political differences with the Premier and his Government but Mr. Speaker this issue will not be one of them. As tempted as it is with everything going on, I would have loved to pile this on the Government’s plate? Of course! But what would I achieve?

Mr. Speaker, there’s something that we can achieve and this is too big an opportunity for us to

pass up on, and that is, the reduction of the Governor's authority and more responsibility being given to the Caymanian people to decide their own destiny via their democratic franchise.

Another reason I am actually supporting these changes was that there was something about Lord Ahmad that actually makes me like him. I can't quite put my finger on it, but to borrow from the older folks, *my spirit took to him*. He is not like other British political leaders that I have interacted with and there is a sense of genuineness about him and nothing like that crazy Chris Bryant that you had to deal with.

Nevertheless, Lord Ahmad had a different pathway to his position than Chris Bryant; one was elected and one was appointed. I raised that issue to highlight the fact that the Westminster system, like many other systems around the world, operates a bi-cameral legislature. If the Cayman Islands had an appointed senate where we could appoint relevant members of our society to review and pass laws and also serve as another body where some Ministers can be drawn from; we could have avoided some of the challenges we have today.

In my discussions with the Premier, he actually admitted that this one thing that he disagreed with you on that you were actually right. I hope that when we look at future changes to the Constitution that we consider the creation of a senate. Some of our neighbours have within their Constitution that at least one member of the Cabinet must be from the senate. This makes sense, as sometimes you don't need everyone around the table thinking like a politician. Some Ministers would be more effective if they didn't have to worry about getting re-elected.

Mr. Speaker, while the concept of a senate goes back hundreds of years to the Empires of Rome and Greece, we need to look no further than the United States, where one of reasons behind creating the senate was to give States equal representation regardless of population; but also to put a the brakes on the popular power, and have a group of officials that would maintain some level of continuity, when both the President and members of the House of Representatives were out campaigning. Thus the reason they serve six year terms and only a third of the seats are up for election at a time.

Surprisingly, Mr. Speaker, when the Senate was first created, they were also appointed by the legislature of their respective States; but this changed in 1913 with the passage of the 17th amendment. But the point that I want to make, Mr. Speaker is that a US senator who doesn't have to be in election mode around the clock provides a different perspective than a member of the US House of Representative where every other year is an election year. Granted, the framers of the US Constitution wanted it that way, so that it forced those politicians to stay close to the people.

However, both Barbados and Jamaica have a 21 member senate, except that they are appointed in different ways. In Jamaica, the Prime Minister gets to advise the Governor General to appoint 13 members and the Leader of the Opposition gets to advise on the appointment of eight members.

In Barbados, the Prime Minister gets to advise on the appointment of 12 members, the Leader of the Opposition on 2 members and the Governor General selects 7 members on his or her sole discretion.

Trinidad has 31 members, with the President appointing 16 members on the advice of the Prime Minister, 6 members on the advice of the Leader of the Opposition, and 9 members on the sole discretion of the President.

One point I want to make Mr. Speaker is that all three Islands have entrenched clauses in their constitutions that require a two-thirds majority of both Houses to make changes. And, as you can see, with the makeup of their respective senates, no government, despite their majority in the elected Houses can make changes to the constitution without support of the minority members. So, no Prime Minister can appoint two-thirds of the senate. That, Mr. Speaker, is also a brake on the popular power.

I think as we look at our own Constitution we need to look at scenarios where the majority can be held in check with a simple rule, such as: Any proposed changes to our Constitution, in the absence of a senate, requires a four-fifths vote of all members of the House and not just those present. Anything outside of a four-fifths vote will require a referendum of two-thirds of the electorate present and voting.

Again, this is just a starting point for discussion and consideration as we look to move forward and to consider further changes to our Constitution.

Mr. Speaker, I have said it before and I will say it again: I am not against advancing the Constitution but there must be clear processes and built in safeguards to ensure transparency; and most importantly, the buy-in and the consent of the people we were elected to serve. I have said it many times that we can only govern with the consent of the governed.

However, Mr. Speaker, I am aware that events regarding the issue of Beneficial Ownership has forced us to all come face-to-face with reality and recognise that just like the Cayman Islands have changed over the last half century; so too has the United Kingdom.

We have seen just a few years ago that a majority of people in the United Kingdom told their European cousins that it is time to part ways. If they can do that to their own cousins, Mr. Speaker, what would they do to us? These are the questions I ask myself when considering that the most popular boy name in London over the past few years has been "Mohammed".

Additionally, when I also consider that the consumption of fish and chips as the primary meal in

England has been replaced with Curry, we must recognise that the United Kingdom, as we know it, is also changing.

Mr. Speaker, I must also consider what happened to Singapore where it was one of 14 parishes of Malaysia and on a vote of 126 – 0 in the Malaysian Parliament, they were expelled and left on their own—A little fishing village on the periphery.

The point I am making in all of this is that we must prepare ourselves if that eventually ever arises. We must consider that there may be an end to the United Kingdom in our lifetime. A few years ago, we saw the vote in Scotland and have to ask ourselves, what is next?

So, Mr. Speaker, we in this Legislative Assembly must look down the road and prepare our people and our Islands to deal with the fork in the roads when they appear, but that mission must be clear and consistent with established democratic principles. Thus the reason we must also use this opportunity to outline a process to follow for when these issues arise. What I don't want, Mr. Speaker is a process where we become reactionary to the challenges, as opposed to a process where our political system evolves as our community and society evolves.

Mr. Speaker, I want you and every Member of this House and more importantly, the people of the Cayman Islands and in particular, the people of Bodden Town West, whom I was elected to represent that this one issue, since being elected, gave me the most pause. Why?

The Constitution is the supreme Law of our land and it is superior to all other laws. It is the one document that no one in this House can change. Any changes to this document must be made in the UK Parliament and the bar to change this document should be very high. Thus the reason I believe that any changes to the Constitution should be done by 80 per cent of the entire membership of this Legislative Assembly. Failure to achieve that level of consensus should automatically require a referendum.

However, I believe that a change that requires independence or a change to the term limit of either the Premier or the length of time between elections should be done by a referendum; just to name a few—and there could be others.

Mr. Speaker, I support the idea from the Member for North Side, where any proposed changes of discussion to our Constitution with the United Kingdom Government be done within the first year after swearing in to reduce political posturing. As you are aware, our new Constitution came into force 10 years ago this month. Our Constitution is broken down into nine parts and I want to use this opportunity to remind Members of this House, as well as the listening public what those nine parts are:

- Part 1 – Bill of Rights, Freedoms and Responsibilities
- Part 2 – The Governor

- Part 3 – The Executive
- Part 4 – The Legislature
- Part 5 – The Judicature
- Part 6 – The Public Service
- Part 7 – Finance
- Part 8 – Institutions Supporting Democracy; and
- Part 9 – Miscellaneous

The part that I am deeply concerned with is that all the provisions of Part 8: Institutions Supporting Democracy have not been implemented.

What is interesting Mr. Speaker is that when the Judiciary—Part 5 of our Constitution—decided to crossover into Part 4 of our Constitution, we unanimously rejected their efforts and the Court of Appeal confirmed that we were right to do so. But, Mr. Speaker, we must accept that we have not done enough to ensure that Part 8 of our Constitution is fully implemented. Therefore, I implore the Government to make this implementation a priority next year. This will increase the public's confidence in the governance of our Islands.

Additionally, Mr. Speaker, we must also ensure that a proper referendum law is in place to ensure that there is a clear process in dealing with Sections 69 and 70 of our Constitution, that deal with referendums.

I want to make it clear that one of the reasons I am raising these issues isn't about what the future holds but rather from lessons learnt in the past both here and overseas.

Mr. Speaker, politics itself also deals with ideas, ideals, and ideology and we must return to the ideology that made us who we are and remember from whence we came.

There is a book entitled: **“The Third Pillar”** and No, I didn't borrow it from you. The book: **“The Third Pillar: How Markets and the State Leave the Community Behind”**, that got the better of my curiosity. I will say off the bat that not everything in the book relates to Cayman but nonetheless the concept was solid.

At the start of my presentation, I spoke about the Cayman miracle and also highlighted the fact that unlike in Europe and other places where communities arose from certain similarities; whether by culture, language, geography or religion, that was not the process in the Caribbean. The community did not come first. The society did not come first. Instead, the economy came first, followed by the people needed to maintain the economy, mostly slaves, and then the political systems put in place to maintain the economy and then the society.

The political system that was put in place, with an English speaking Caribbean, is what our colonial masters refer to as the “Westminster system”.

Mr. Speaker, you were elected at a time when the Executive Council, the Cabinet and the very chair that you now sit in were controlled by the Governor.

The Elected Representatives and the Members of the Executive were mere advisors to the Governor.

The Governor held a very powerful position that, in essence, was not accountable to anyone locally. This is nothing new, as throughout history, countries that followed the Westminster systems where all is dominated by one individual. It has always been dominated by personalities from Churchill to Thatcher from Blair to Boris. In the Caribbean, we have had: Eric Williams, Bustamante, Seaga, Adams, Barrow and even Jim Bodden and your good self, Mr. Speaker, before your recent change.

Our Constitution must be able to place a check—

The Speaker: Does the Member know that that is quite out of order?

Mr. Christopher S. Saunders: I didn't mean it in any tongue-in-cheek way, Mr. Speaker. I actually meant it in a good way.

The Speaker: Well, you better say something good because it leaves a connotation of something bad.

Mr. Christopher S. Saunders: No, no, no. Well, if it came across that way, Mr. Speaker, I apologise; not on a Friday. I wouldn't annoy you on a Friday.

The Speaker: So, you are putting me in the bracket of all those that you named before.

Mr. Christopher S. Saunders: Yeah, in terms of larger than life political personalities.

The Speaker: Okay good.

Mr. Christopher S. Saunders: Yeah.

The Speaker: That's okay.

Mr. Christopher S. Saunders: Yeah.

The Speaker: I am satisfied with that.

[Laughter]

Mr. Christopher S. Saunders: Mr. Speaker, I put you right after Jim Bodden, you know.

Mr. Speaker, the point that I want to make is that our Constitution must be able to place a check on those larger than life personalities, if we are to preserve our own democracy. I am not worried about any politician that is larger than life today because I know that many of my colleagues on this side can deal with them.

We have veterans in this House: the Member for East End, the Member for Savannah and the

Member for North Side that will call a spade a spade and really don't care what anyone thinks.

Mr. Speaker, despite our political status as a British Overseas Territory, the Caymanian people, deep down inside, know what and who we owe our success to.

It was those who came and helped us build and those who stayed behind to help us rebuild.

The Member for East End and I met with the Premier and had a very frank and straightforward discussion on the proposed changes. We agreed on the proposal being made now, and we also agreed that we will take the necessary steps to make sure that we go out and inform the people of the Cayman Islands on the impact of those proposed changes.

I recognise that we are at another political milestone in our political development and I am reminded of the time when Napoleon was asked to explain why there was an absence of great statesmen in France. Napoleon replied: *In order to obtain power, one has to display utter pettiness and in order to exercise power; one has to show through greatness. Do not expect a person that obtains power in a petty manner to be great. You are either great or you are petty.*

Mr. Speaker, I chose to support these changes not only because they are great but because they will move us one step closer to stop being petty; and return us to a mental state where we can truly accept that we are the masters of our destiny and the captain of our political soul.

Mr. Speaker, with that, I will be voting, Yes. I would also like to thank the Premier, the Member for West Bay South, the Member for George Town North, the Member for North Side and the Member for Newlands who engaged in these political discussions.

[Inaudible interjection]

Mr. Christopher S. Saunders: I would also like to thank the Attorney General. Thank you, Mr. Premier for reminding me of that.

Mr. Speaker, what we want to Cayman people to take away from all of this is that, ultimately, politics aside, our first and foremost mission in this Legislative Assembly is to protect the Cayman Islands at all times. I cannot in good conscience, knowing what is on the horizon, allow this opportunity to pass.

I have gone out and have spoken to many members in my own community on these proposed changes and many are in support of it, once we explain to them what we are protecting and insulating the Cayman Islands from. And, our goal next year, is that once we have voted here today, is to go out and explain further to the Caymanian people why we did what we did here today. At the end of the day, I have three children and many other children who we need to protect.

For what is waiting on us and we have serious threats out there facing this country, we cannot pass on this opportunity. With that, I will conclude my debate.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: The Member for Savannah.

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

As I listened to my colleague for Bodden Town West, as the old people talk about waxed eloquently.

[Laughter]

Mr. Anthony S. Eden: Trust me, there is a lot of food for thought in his remarks.

I personally want to thank all of those who were involved: the Honourable Premier, the then Leader of the Opposition my colleague for North Side, the Now Leader of the Opposition, my colleague or Newlands, the Attorney General and all others who were involved.

Many have said the diplomacy with which our Premier deals with these subjects of such great importance to these Islands. His ability to sit with the now Leader of the Opposition and the Member for Bodden Town West who had some very strong thoughts on this; he didn't go in a lot of detail but I know it was a good feeling to see that we could come together on this.

Mr. Speaker, only you have been through more constitutional changes that now, are Members of this Legislative Assembly, soon to be known as "Parliament". It sounds nice, doesn't it?

What I witnessed here throughout today, was the cohesion of all of us, coming together for a good cause, for the people of these Islands. It is a big step forward in informing our people to let them know that this is and will be beneficial to our people.

Over the last 27 years, I have been sick and tired of seeing the Cayman Islands being bullied by every Tom, Dick and Harry out there; the FATF [Financial Action Task Force], the OECD [Organisation for Economic Co-operation and Development]. I know my friend, the Honourable Attorney General, has sat with me in Cabinet. I am glad that we are standing up and getting back some of that power that our children and grandchildren will benefit from.

Mr. Speaker, I certainly support this step forward and, once again, to thank all of those who have negotiated and brought this to this point, knowing the short period of time that is left which is literally less than a week before the UK Government changes.

Mr. Premier, I want to thank you and your leadership, up to this. As representatives, may the

Cayman Islands be blessed and may we continue doing the right thing and use this approach as we go forward in the next year and a half on other subjects that affect our people. It is about our people!

May God bless these Cayman Islands!

Thank you.

The Speaker: The Member for Prospect.

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

I rise to offer my contribution to the Government Motion No. 3 2019-2020—The Cayman Islands Constitution (Amendment) Order, 2019.

It is my goal to be brief this evening and certainly following the lead of Members of the front-bench, my contribution today, largely consist of handwritten notes developed somewhat on the fly. Therefore, hopefully, I will be both impactful but brief, and also enabling me to avoid the use of the lectern, which, might otherwise, frighten Members into thinking this is going to be a long diatribe. Certainly, nothing could be from the truth.

Like many of those honourable Members who have spoken before me, I would like to begin by expressing my sincere gratitude to the Premier, the former Leader of the Opposition, and Members of their team who went off to the United Kingdom to negotiate what I agree is a very positive and important step forward for all of our people. It was a bipartisan effort that produced what I think, are fantastic results and those in which we all should get behind; not only those of us that occupy this honourable House, but likewise, the many others who reside outside of these hallowed Halls.

I would like to begin by echoing sentiment shared by the Honourable Member, the Deputy Leader of the Opposition in his contribution when he stated that that this is not a discussion of us against us, but quite to the contrary, it is about us uniting Government and the Opposition to protect the rights and interests of our people, both now and long after we are all gone from here. I can think of no greater honour for any sitting legislator, parliamentarian or representative to know that through their efforts they have been able to impact so many and history will remember those contributions.

I also again want to express my gratitude, outside of the birth of my son, August 13th 2005, being elected as a representative, first of the people of Prospect and secondly the wider Cayman Islands, has been the single greatest honour of my life. And I have said it before, during my last two and a half years, maybe a bit more, of being a representative of the people I have had the pleasure to participate in a number of historic events during my first term here in office. The first, of course, is being part of what I define as the first true Coalition Government of the Cayman Islands since the National Team of, I think, it

was 1992 until 2000. We certainly sat at the helm during what some might argue as a significant time of change and transition in these Cayman Islands.

Certainly, during the term of office we have celebrated the 60th Anniversary of both the Cayman Islands Constitution and the Cayman Court of Arms which combined, I believe, went a long way to helping us all, young and old, to connect with our national identity, who we are, what we represent and who we aspire to be. Also, Mr. Speaker, it gave us the opportunity to appreciate, if not embrace what makes us different than the rest of the world and certainly even the region itself, to now being part of a government, Mr. Speaker, that seeks to further the right of all Caymanians, to take us ever closer towards self-determination through the advancement and further modernisation of the Cayman Islands Constitution and the amendments that we have before us.

Self-determination, Mr. Speaker, is defined as the right of a people to determine its own destiny, and, in particular, to choose its own political status and to determine its own economic, cultural and social development. I don't believe anyone can argue that that path towards self-determination has been the path that we have been on since 2009, starting with the first rather significant modernisation of our constitution from that of the one that existed in 1972 leading to now 10 years after the fact, a further modernisation of that constitution.

I believe, Mr. Speaker, on this path of self-determination that it will take us to one ultimate destination and that is independence. I am a firm believer that the Cayman Islands will be independent one day. It may not happen in my life time; it may happen in that of our children, but I do believe it is where we are headed. And, as such, whilst I agree with the comments of the Honourable Leader of the Opposition that what we do here today may represent rather small parliamentary steps towards or in the right direction, I believe likewise in the fullness of time, certainly, history will remember this day, as an important day, in which the Cayman Islands once again took a strong, confident and significant step forward in determining their own destiny.

On the subject of independence, Mr. Speaker, I just want to say clearly that this is not a word that we in the Cayman Islands should fear in any way. I think the recurrence of the conversation, in the direction of independence, merely represents our growing confidence in ourselves that we can do this. It also serves as recognition that in order to get there, there is a great deal of work that must be laid now in order to achieve that. I believe this amendment, this constitutional modernisation represents another important, if not essential step, or another important brick in that foundation that will lead us to our ultimate destination.

For now, Mr. Speaker, the last two and half years, I have had the opportunity and direct experience to say, that I think our relationship with the Unit-

ed Kingdom has never been stronger; and this amendment will serve as further maturing our relationship with the United Kingdom, allowing us to move forward in further partnerships in prosperity on equal footing.

A number of the amendments that I believe will take us there are important, and I certainly won't go through them this evening. I certainly won't rehash them. But, I believe that it is important to note, that the amendments such as the abolishment of the power of disallowance and the amendment to ensure that Cabinet possesses autonomous and exclusive capacity in domestic affairs, are important steps in the right direction. Likewise, is the increase in the notification period for the introduction of Bills from 21 days to 28 days, ensuring that not only Members of this House, but importantly, the people of the Cayman Islands have further advanced knowledge of the business that we, as elected people, will be seeking to debate on their behalf, to improve and to allow further dialogue and participation in our democracy.

I believe, as the Leader of the Opposition opined, that these amendments do not represent a danger to our democracy but quite to the contrary. It serves only to strengthen our democracy. Whilst we agree that what it is being sought today is to further wrestle away the decision-making power from the Crown and putting it in to the hands of the people, by way of their duly elected representatives, may seem to some, as a power grab. Nevertheless, the reality is, Mr. Speaker, as you are very familiar, much is often expected, if not demanded, of our elected representatives, who until today, oftentimes lack the authority and decision-making power in order to achieve those expectations. Therefore, these amendments represent a furtherance of our democracy, towards a country, as the Member from North Side mentioned, so succinctly—better governance for the Cayman Islands, of the Cayman Islands, by Caymanians. That is something we should all strive to achieve.

Like the old saying: *to whom much is given, much is expected*, I believe it will be through our commitment to transparency, good governance and the people's responsibility to question, that will ensure our democracy remain strong, resilient and self-evident.

Finally, Mr. Speaker, I also support the constitutional amendment that seeks to increase the membership of Cabinet from six to seven, plus the Premier. And while I acknowledge that there are questions relative to the balance of power, conversation, and I also, likewise agree that perhaps it is a conversation best left for the next administration, I do believe the increase is necessary, Mr. Speaker, just from my own experience these past two and half years. The reality is that our existing Cabinet Members have a great deal of responsibility on their shoulders. And, whilst the average ministry per Cabinet Minister works out about four ministries per person, in this current envi-

ronment, we see the Premier responsible for seven ministries; plus the not so insignificant task of being Premier, as well; whilst the Minister for Education is responsible for some five ministries.

[Inaudible interjection]

Mr. Austin O. Harris, Jr.: Subjects, excuse me; subjects not ministries. Thank you for the correction.

A move towards seven will also create the environment for better efficiencies. Now, not being party to how the make-up will change, I believe an increase of seven Ministers from six, numerically, will enable us to spread out the subjects to an average of three subjects per Minister. This will not only be more efficient, but enables our Ministers to lead this country in a more efficient and productive manner.

Mr. Speaker, I embrace these constitutional amendments, because I do believe they represent what is in the best interest of the people of the Cayman Islands. And I encourage not only the Members of this Honourable House to vote in support of it, but also to encourage Members of the wider Caymanian public to embrace these modernisations and amendments as being in their best interest.

I thank all of the Honourable Members for their contributions and I think it is a fitting way to bring to a close, what undeniably has been a marathon session in the Legislation Assembly. Some Members have been mentioning that we have been together for three weeks but checking my calendar this evening, we have spent an entire month together in this Legislative Assembly.

If I might add, Mr. Speaker, whilst there has been times of back and forth, thrust and parry, in large part, we have operated as a unified Government on both sides of the aisle. Additionally, we have accomplished a lot of work; proving yet again, that we are better together than we are apart. We accomplish more for the people of this country when we are united versus being divided. I believe the amendments on the floor only serve to strengthen that position for the Cayman Islands, and for that, I believe the people whom we all serve can be satisfied that their representatives have done that which you sent them to this honourable House to do.

Thank you, Mr. Speaker and God Bless these Cayman Islands.

The Speaker: Can I have an indication of how many Members intend to speak further?

[Pause]

The Speaker: Just two?

I will have to suspend for 10 minutes.

Proceedings suspended at 6:20 pm

Proceedings resumed at 6:46 pm

The Speaker: Please be seated.

Proceedings are resumed.

The Minister of Health.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing: Mr. Speaker, thank you.

I rise to give a very short contribution. Much has been said, but piggybacking off my good friend, the Attorney General, Henry VII didn't even get to see this wife.

[Laughter]

Hon. Dwayne S. Seymour: Mr. Speaker, "Dulce Et Decorum Est" is a poem that we read in school. It was written by Wilfred Owen during World War I when he was fighting in the trenches in France and it was published in 1920. The title is taken from Ode 3.2 (*Valor*) of the Roman Poet Horace, and means it is a good or it is a sweet and fitting, followed by pro patria mori, to which, the full sentence 'Dulce Et Decorum Est pro patria mori' means it is a good thing to die for one's country.

Mr. Speaker, as a young teenager, I was quite unsatisfied that the Cayman Islands did not have an army or an Airforce to join, as I wanted to serve my country in this manner. I say this to say, that getting elected in 2009 gave me that same satisfaction and I take this responsibility very seriously. The matter of changes to our Constitution is a very serious undertaking and one that started, in my opinion, mainly after the actions of our Mother Country, in making changes on our behalf without our consult; even if there was nothing more than this amendment, Mr. Speaker, to ensure that we are consulted before any changes or legislation is done to our Constitution and avoiding the overreach effect.

Mr. Speaker, I am proud of the team led by the Premier, with the support of the former Leader of the Opposition and the current Leader of the Opposition. The country must know that I am proud that they showed such leadership and putting all aside, for the good of the country, I applaud this, Mr. Speaker. I am happy that I am able to play a historic part in our Constitution. Yes, it did not go out for referendum but when we remember two things in life that will never come back: time and opportunity, I believe this is the right time and the perfect opportunity. These changes are a long time coming and I admire the Premier's patience as it is better to be patient than to get our desire and not be ready for it.

Mr. Speaker, as I said, Henry VII didn't get to see this wife.

God bless you.

The Speaker: The Member for West Bay North.

Hon. Bernie A. Bush, Elected Member for West Bay North: Mr. Speaker, my contribution will be very short as well.

I would like to start by saying a special thank you to the former Leader of the Opposition. It appears that when he came back from the UK talks, he put together a package and gave to his Members. I had no such way of getting and knowing anything about this. When we kicked off, Mr. Speaker, I sat with him and he explained it to me very clearly.

When the Premier asked to see me and I met with him, I said to the Premier that I was very disappointed that this is the way it was coming. I was also disappointed that the public did not know enough about it and that we were not able and did not have the time. However, looking over the changes that we wanted, there was no doubt in my mind, Mr. Speaker, like everyone else, that it was very beneficial to us.

There were two particular pieces that stood out that gave me no choice but to support this.

Today, I learnt that 2009, the part about the Police Board was in the last set of talks but was taken out and now it is back in. History is funny, Mr. Speaker. If it had been left in, one of the greatest disgraces in this country, with the former Governor and Police Commissioner who took one of our Members, traumatised their family and tried to embarrass and scandalise them—Mr. Speaker, maybe if we had this in place, it would not have happened.

Mr. Speaker, the second part that I could not pass up was, after hearing and seeing the Member for George Town Central stand here and said he was told that even if he got the votes here, the Governor would be told not to approve it. Mr. Speaker, the lone fact that that cannot and will not be done, will make me support this document.

I want to say thank you to the team that went over. I have no choice and I am very honoured to be able to support this.

In closing, and in my humble opinion, I want to say that in the future, these things must go to the public to let them have their input. Notwithstanding, since I have gotten this, like the Member for North Side, once you explain to people the importance and how it will empower and protect us even more, they have all agreed.

Thank you very much and God bless the Cayman Islands.

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

I will call on the Honourable Premier to wind-up and exercise his right of reply.

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

Mr. Speaker, I say with all earnestness that I have never been prouder to be a Caymanian and

never prouder to be a Member of this Legislative Assembly, as I am right now.

[Desk thumping]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, we have demonstrated today, by the speeches that have been made and by the tacit approval of those who did not speak, how much we care about the future of these Islands and our people; and, how we are prepared, notwithstanding the adversarial nature of politics, to put aside all consideration of partisan politics in the nation interest and good.

Mr. Speaker, I think I need not say much more because I have spoken at length about what the provisions are and what they mean to us. But, I am even more encouraged, Mr. Speaker, by a letter, dated today, I just received from the CEO [Chief Executive Office] of Cayman Finance, which I will read:

“Dear Premier,

“Cayman Finance has taken note of recent developments with regard to the Cayman Islands Constitutional relationship with Her Majesty’s Government in the United Kingdom. The package of reforms discussed in the Legislative Assembly in November, is, in our opinion, progressive in nature and in keeping with a maturing democracy that is also one of the world’s most significant international financial centres.

“Affording our democratically elected local Government to have more control over the legislation that governs us is reflective of this.

“Cayman Finance is pleased that there has been unanimous support from both sides of the Legislative Assembly for these constitutional proposals that are reflective of a mature democratic state.

“We wish your Government nothing but the best, as you seek to implement these reforms for the advancement of the people of the Cayman Islands.

*“Yours sincerely,
Jude Scott, CEO
Cayman Finance”*

Mr. Speaker, I think all Members have been concerned about the lack of opportunity for proper and broader consultation. I and my Government share that concern, but until we had in our hands an agreed set of proposal by the UK, it was difficult, or perhaps impossible to do much more than we have done, which is to have spoken at length about them in this House and on the talk shows. I participated in two or three talk shows with the Member for North Side, discussing what was proposed and what we hope to have achieved.

However, we didn’t actually get the letter until the 10th of November (last month) and we didn’t reach an agreement among ourselves until the 20th of November, while in the middle of Finance Committee and dealing with a range of the issues, including the

now ill-fated Referendum which was looming on the 19th December. So, all of these things took up our time and made that impossible.

From the Government's perspective we agree. We agree with the Governor who suggested it to me, we agree with the Opposition, some of whom have suggested to me that early in the new year, we should hold some public consultation meetings so that these matters can be aired. In the interim, the Government has established a website, www.explore.gov.ky - **Constitutional Reform**. The website went live yesterday and one can access it and look to see what the proposals are. The Draft Order is there as well.

We have invited the public to comment. We are issuing a press release on Monday (or it may have gone out this evening) which may draw attention to that website, to illicit public comment and engagement.

Mr. Speaker, I think we have done the country proud this day. I believe that in time, what I expect to be a unanimous decision of this House, will be looked upon as one of the critical points in the continued development and maturity of the Islands as a constitutional democracy.

Mr. Speaker, I don't know how many people (I know Members in this House do) realise what I see coming.

Mr. Speaker, I have argued, when battling for these changes with the Governor, Lord Ahmad, and the Officials in the Foreign and Commonwealth Office, to try to get them all to understand that if we want to preserve for a great deal longer, the constitutional link between the Cayman Islands and United Kingdom Government, the United Kingdom Government has to treat us with respect; that the generations which will follow me and those of us in here, are not going to put up with an overbearing and overreaching administering power. And that the best way to preserve this constitutional link is to give the territory the opportunity to make its own decisions. All of them will not be right; we will make mistakes like everybody else does, but the determination about what happens here ought to be in the hands of the people who have been elected by Caymanians. That overriding consideration is what I have hammered home, over and over again.

The more autonomy you give us, the longer the relationship is like to last because we will then, as a people, not feel that somebody else is making decisions, without proper knowledge, understanding or concern about its impact here.

Mr. Speaker, I want to conclude by thanking a fairly long list of people, and I am bound to get in trouble by leaving some important participants out. First and foremost I want to thank the former Leader of the Opposition who agreed to participate in the process on behalf of the Opposition at the time. Without his interest and involvement, we would have never gotten off the ground, let alone to this point.

I want to thank the Members of my Government who understood and supported me every step of the way as we sought to address this issue, and the Minister of Financial Services and the Minister of Commerce who were a part of the delegation.

I also want to thank the Deputy Leader of the Opposition. And Mr. Speaker, to thank the Attorney General, whose insight, wisdom, council and encouragement have been invaluable. Sir Jeffery Jowell, QC whose wisdom on constitutional matters is something that is revered. Mr. Speaker, the Cabinet Secretary Samuel Rose and the Director of the Policy Coordination Unit, Jason Webster, also provided a tremendous amount of assistance, advice and support, as did the then Head of Government Office in London, Mr. Eric Bush.

Mr. Speaker, His Excellency, the Governor, who was brand new when we initiated these discussions a year ago, participated in them, and has supported, encouraged and prodded the UK Government (the FCO) all along the way and his assistance is greatly appreciated.

Mr. Speaker, Lord Tariq Ahmad of Wimbledon, who is the Minister of State for the Foreign and Commonwealth Office, among other things, I believe, is the key individual who has allowed this to occur. Without him and his support for the constitutional changes, we would never have gotten this far.

[Desk thumping]

The Premier, Hon. Alden McLaughlin: Also, Mr. Speaker, the then Prime Minister herself, Mrs. Theresa May, and David Lidington, the Chancellor of the Duchy of Lancaster both assisted. Mr. Ian Hendry, who is well known to all of us, former Deputy Legal Advisor to the Foreign and Commonwealth Office, and Mr. Greg Greaseman and Ben Merrick who was the director of the Overseas Territories. They all played important roles in helping us to get to this point and our thanks and gratitude go out to them.

Mr. Speaker, as I have said at the start, I have never been prouder to be Caymanian, to be a Member of this honourable House and to be able to have led this charge and to be around to participate in what will be, I believe, a historic vote.

The Speaker: Honourable Members, I would say it is a bit late in the agenda for me to give a message from the Speaker that I could give with knowledge of where we have been on this constitutional journey. However, in my political life, I have opposed different matters of constitutional change, but I have also moved motions myself and seconded motions and brought in advisors to get proper constitutional changes to protect Cayman, our business, our commerce and to give us more say to run our affairs. These amendments do that and I am indeed happy, to say the least, that we

have reached this constitutional milestone today. I am more than happy.

As Speaker, I can say that this has probably been the longest meeting that we have had any one time and the quality of speeches, questions and contributions that I have heard from both sides have been well said. I say no more than that; no more than to say that I am happy to see and feel the unity in here.

[Desk thumping]

The Speaker: I am more than happy to hear all on my left say that they are voting, yes.

We can all be proud of where we have been taken along this path. I know where our Premier was, I know where he has been and I tap him on the shoulder for getting some of these things done. Why? Because I know what I had to go through and some of these changes here will eliminate much of that. We know where we are at and the UK knows where we are at and he has helped to bring that to fore, and I want to thank him for that.

[Desk thumping]

The Speaker: I agree that there is a time for everything under the sun, and may I add, with an old Jamaican festival song: “**Nowhere Better Than Yard**”

The question is:

[Short pause]

The Premier, Hon. Alden McLaughlin: It is a long question.

The Speaker: It is and I want to get it right.

The Speaker: The question is: BE IT THEREFORE RESOLVED that this honourable House does approve the proposed amendments to the Cayman Islands Constitution Order 2019 (“the Constitution”) as set out in the Draft Cayman Islands Constitution (Amendment) Order, 2019 sent to the Premier of the Cayman Islands, Hon. Alden McLaughlin, under cover of letter dated 10 of November 2019 from Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and United Nations, subject only to delaying the coming into effect of the proposed amendment of section 44(1) of the Constitution until after the next General Elections;

AND BE IT THEREFORE FURTHER RESOLVED THAT a copy of the resolution of this House and the transcript of the debate on this Motion be forwarded to the Foreign and Commonwealth Office upon completion of the debate and the vote thereon.

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

AYES.

The Speaker: The Ayes have it.

Hon. Julianna O’Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands: Mr. Speaker, can we have a division please?

The Speaker: Clerk, divide.

The Clerk:

DIVISION NO. 28

AYES: 18

NOES: 0

Hon. Alden McLaughlin
 Hon. Moses I. Kirkconnell
 Hon. Julianna O’Connor-Connolly
 Hon. Dwayne S. Seymour
 Hon. Roy M. McTaggart
 Hon. Joseph X. Hew
 Hon. Tara A. Rivers
 Capt. A. Eugene Ebanks
 Ms. Barbara E. Connolly
 Mr. David C. Wight
 Mr. Austin O. Harris Jr.
 Hon. V. Arden McLean
 Mr. Alva H. Suckoo Jr.
 Mr. Kenneth V. Bryan
 Mr. Anthony S. Eden
 Mr. Christopher S. Saunders
 Mr. D. Ezzard Miller
 Hon. Bernie A. Bush

Absent: 0

Abstention: 0

The Speaker: The result of this historical Government Motion No. 3 is: 18 AYES; a unanimous vote, as can be done without the Speaker’s vote, but if I could vote I would say, Aye.

[Desks thumping]

The Speaker: The Honourable Premier.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Mr. Speaker, it is only for me again, to thank all Members of this House, the staff of the Legislative Assembly and the many hard working, long suffering civil servants who have been part and parcel of this Meeting of the House through this past month for all of their hard work, cooperation and genuine good humour, most of the time.

With that, Mr. Speaker, I just want to wish all Members of this honourable House and the broader public a happy holiday season on behalf of the Government and if I can take that liberty, on behalf of the

Leader of the Opposition and all Members of the Opposition.

I now move the adjournment of this honourable House, sine die.

The Speaker: The question is that this honourable Legislative Assembly now adjourns sine die.

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

AYES.

The Speaker: The Ayes have it.

At 7:30pm the House stood adjourned sine die.