



PARLIAMENT
OF THE CAYMAN ISLANDS



**PARLIAMENT OF
THE CAYMAN ISLANDS**

OFFICIAL HANSARD REPORT

Second Meeting of the 2022-2023 Session
First Sitting

Wednesday
7th December, 2022
(Pages 1-58)

Hon. Katherine A. Ebanks-Wilks, MP
Speaker

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PRESENT WERE:

Hon. Katherine A. Ebanks-Wilks, MP
Speaker

MINISTERS OF THE CABINET

Hon. G. Wayne Panton, JP, MP	<i>Premier</i> , Minister of Sustainability & Climate Resiliency
Hon. Christopher S. Saunders, MP	<i>Deputy Premier</i> , Minister of Finance & Economic Development <i>and</i> Border Control & Labour
Hon. Juliana Y. O'Connor-Connolly, JP, MP	Minister of Education <i>and</i> District Administration & Lands
Hon. Bernie A. Bush, MP	Minister of Youth, Sports, Culture & Heritage
Hon. Kenneth V. Bryan, MP	Minister of Tourism & Transport
Hon. André M. Ebanks, MP	Minister of Financial Services & Commerce <i>and</i> Investment, Innovation & Social Development
Hon. Sabrina T. Turner, MP	Minister of Health & Wellness <i>and</i> Home Affairs
Hon. Johany S. "Jay" Ebanks, MP	Minister of Planning, Agriculture, Housing & Infrastructure

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS
GOVERNMENT BACKBENCHERS

Hon. W. McKeeva Bush, JP, MP	Elected Member for West Bay West
Ms. Heather D. Bodden, OCl, Cert. Hon., JP, MP	Parliamentary Secretary to Tourism <i>and</i> Social Development, Elected Member for Savannah
Mr. Isaac D. Rankine, MP	Parliamentary Secretary to Home Affairs <i>and</i> Planning, Agriculture & Infrastructure, Elected Member for East End
Hon. Dwayne S. Seymour, JP, MP	<i>Deputy Speaker</i> , Parliamentary Secretary to Labour, Housing <i>and</i> Transport Elected Member for Bodden Town East

OPPOSITION MEMBERS

Hon. Roy M. McTaggart, JP, MP	<i>Leader of the Opposition</i> , Elected Member for George Town East
Mr. Joseph X. Hew, MP	<i>Deputy Leader of the Opposition</i> , Elected Member for George Town North
Hon. Sir Alden McLaughlin, KCMG, MBE, KC, JP, MP	Elected Member for Red Bay
Mr. Moses I. Kirkconnell, JP, MP	Elected Member for Cayman Brac West and Little Cayman
Ms. Barbara E. Conolly, JP, NP, MP	Elected Member for George Town South
Mr. David C. Wight, JP, MP	Elected Member for George Town West

OFFICIAL HANSARD REPORT
SECOND MEETING OF THE 2022/2023 SESSION
WEDNESDAY
7 DECEMBER, 2022
10.38 A.M.
First Sitting

[Hon. Katherine A. Ebanks-Wilks, Speaker, presiding]

The Speaker: Good morning. I will call on the Honourable Deputy Governor to grace us with prayers.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Madam Speaker.

Let us pray:

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

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

Let us say the Lord's Prayer together:

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

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

Amen.

The Speaker: Please be seated. Proceedings are now resumed.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

The Speaker: None.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**THE TWENTY-FIRST REPORT OF THE
COMMISSION FOR STANDARDS IN PUBLIC LIFE -
FOR THE PERIOD OF 1 FEBRUARY -
31 JULY 2021**

The Speaker: The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Twenty-First Report of the Commission of Standards in Public Life, which covers the period 1 February 2021 to 31 July 2021.

The Speaker: Does the Honourable Deputy Governor wish to speak thereto?

The Deputy Governor, Hon. Franz I. Manderson: Madam Speaker, yes. Thank you.

The Speaker: So ordered.

The Deputy Governor, Hon. Franz I. Manderson:

I shall offer a brief overview of the Twenty-First Report of the Commission for Standards in Public Life, which relates to the period 1 February 2021 until 31 July 2021.

During this reporting period of the Commission of Standards in Public Life (SPL), Mrs. Rosie Whittaker-Myles, the previous Chairman; and Member, Ms. Sheenah Hislop's tenure came to an end on 28th February, 2021. On 1st May, 2021, four new commission members were appointed to join previously appointed Member, Ms. Isatou Smith. The new appointees were Chairman, Dr. Sonia Bush; and Members, J. Rosalie Twohey, Richard Addlestone and Keith Blake. This

report covers the progress made, and the key issues arising from the work completed by the Commission during the first half of their first year in office.

During the reporting period, the members:

- finalised the Commission's Twentieth Report which is now available on the Commission's website;
- assisted with the development of the Standards in Public Life (Amendment) Bill and Regulations;
- spent time considering and handling matters related to the submissions of declarations by persons in public life;
- created public notices to candidates in the 2021 General Election to advise them of their requirement to submit declarations before submitting their nomination papers;
- assisted with the development of the new online portal to submit declarations;
- assisted with the drafting of Declaration Forms Guidance notes;
- spent time considering the Domestic Observers' Report based on the Cayman Islands General Election 2021;
- presented on various matters to Caucus;
- discussed comments on the latest draft on the Ministerial Code of Conduct; [and]
- responded to several queries from members of the media.

Over the next reporting period, the Commission will continue to:

- finalise the draft SPL (Amendment) Bill, and Regulations;
- facilitate any requests for viewing the Register of Interests;
- monitor and handle matters relating to the submission of declarations by persons in public life;
- consider feedback on the new Register of Interests online portal;
- address any complaints received;
- accept and investigate any alleged or suspected breaches of standards under this law, in accordance with section 18 and 19 of the SPL; and
- participate in any educational or public relations opportunities as well as in local and regional cooperation efforts where possible.

I encourage Members of the House and the public to familiarise themselves with the contents of the report, which is available online on the Commission's website,

www.standardsinpubliclifecommission.ky

I thank you, Madam Speaker.

THE TWENTY-SECOND REPORT OF THE COMMISSION FOR STANDARDS IN PUBLIC LIFE - FOR THE PERIOD OF 1 AUGUST 2021 - 31 JANUARY 2022

The Speaker: The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Twenty-Second Report of the Commission for Standards in Public Life, which covers the period 1 August 2021 to 31 January 2022.

The Speaker: Does the Honourable Member wish to speak?

The Deputy Governor, Hon. Franz I. Manderson: Yes, Madam Speaker, briefly.

The Speaker: So ordered.

The Deputy Governor, Hon. Franz I. Manderson: Thank you.

Madam Speaker, I offer a brief overview of the Twenty-Second Report of the Commission for Standards in Public Life which relate to the period 1 August 2021 to 31 January 2022. This is the first report under the chairmanship of Dr. Sonia Bush [and] covers the progress made and the issues arising from the work completed by the Commission during the first half of their first year in office.

During the reporting period, the members:

- discussed proposed amendments to the SPL Act and Regulations;
- discussed proposed changes to the Commission's Code of Conduct; and
- spent time considering and handling matters related to the submissions of declarations by persons in public life.

Over the next reporting period the Commission will continue to:

- finalise the draft SPL (Amendment) Bill and Regulations;
- facilitate any requests for viewing the Register of Interests;
- monitor and handle matters relating to the submission of declarations by persons in public life;
- consider feedback on the Register of Interests online portal;
- address any complaints received;
- submit the development of a Parliamentary Code of Conduct; and
- participate in educational or public relations opportunities as well as in local and regional cooperation efforts where possible.

I encourage Members of the House and the public to familiarise themselves with the contents of the report, which is available online on the Commission's website,

www.standardsinpubliclifecommission.ky

Thank you, Madam Speaker.

**HUMAN RIGHTS COMMISSION CAYMAN ISLANDS
- ANNUAL REPORT 2021 - REPORTING PERIOD
1 JANUARY 2021 – 31 DECEMBER 2021**

The Speaker: The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Human Rights Commission Annual Report 2021 - Reporting period 1 January 2021 to 31 December 2021.

The Speaker: Does the Honourable Member wish to speak?

The Deputy Governor, Hon. Franz I. Manderson: Yes, Madam Speaker, briefly.

[During] the reporting period, the Commission advocated for the implementation of a Parliamentary Code of Conduct, and issued official statements amidst the global pandemic in relation to quarantined voters and migrant complaints. The Commission enhanced its public engagement with active participation in community events, and facilitated an informative training session for the Cayman Islands Independent Monitoring Board. Lastly, the Commission assessed and addressed queries and complaints in relation to human rights matters.

The Commission has continued its work to promote, protect and preserve the integration of human rights values into everyday life by continuing to monitor human rights in policy, practice and legislation; developing innovative strategies to build awareness through education events and presentations; investigating alleged breaches or infringements of human rights by public officials; and engaging with civil society and the media.

I encourage Members of the House and the public to familiarise themselves with the contents of the report which is available at <https://www.humanrightscommission.ky>.

I would like to take this opportunity to formally thank the outgoing member Ms. Dorothy Scott for her service and valuable contribution to the Commission and I am grateful for her dedication and commitment to improving our beloved Islands.

Thank you, Madam Speaker.

CIAA ANNUAL REPORT 2017

The Speaker: The Honourable Minister of Tourism and Transport.

Hon. Kenneth V. Bryan, Minister of Tourism and Transport, Elected Member for George Town Central: Thank you, Madam Speaker.

I rise to lay on the Table of this honourable House the Cayman Islands Airports Authority Annual Report for 2017.

The Speaker: Does the Honourable Minister wish to speak there to?

Hon. Kenneth V. Bryan: Yes, Madam Speaker, very briefly.

In accordance with section 52(8) and (9) of the Public Management and Finance Act (2020 Revision), I place before this honourable House the audited Financial Statements of the Cayman Islands Airports Authority for the fiscal year ended the 31st December, 2017.

Madam Speaker, the audited Financial Statements show revenue of \$50.2 million for the year ended 31st December, 2017. This represents a \$19.2 million, 62.3 per cent change in revenue over the 30th June, 2016. The improved revenue intake, Madam Speaker, was driven by improved passenger through-put in the period under review, in addition to the change in the financial reporting period.

The Authority's financial year end was changed from the 30th June to the 31st December as a result of an amendment to the Public Management and Finance Law (now known as Act) in 2017. Accordingly, the Financial Statements have been prepared for the 18-month period ended 31 December, 2017 including the transition period, 1st July, 2016 to 31st December, 2016. The 12-month period ended 30th June, 2016 is therefore not comparable to the 31st December, 2017 numbers.

Total expenditure for the 18-month period ended 31st December, 2017 was \$41.1 million—an \$18.6 million increase over the \$22.5 million spent for the year ended 30th June, 2016 which was a 12-month period. As at 31st December, 2017, Cayman Islands Airports Authority had total reported assets of \$192.4 million moving from \$175.1 million as of 30th June, 2016. This growth in asset value was primarily driven by the increase in property, plant and equipment as a result of the Owen Roberts International Airport Redevelopment Project.

Madam Speaker, these Financial Statements have been audited by the Office of the Auditor General (OAG), in accordance with section 29A of the Public Management and Finance Act (2020 Revision); [and] an unqualified opinion has been issued on these Financial Statements, [I am] happy to say, Madam Speaker. The Auditor General states that the financial

statements present fairly, in all material respects, the financial position and financial performance and cash flows of the Cayman Islands Airports Authority as at the 31st December, 2017 in accordance with International Financial Reporting Standards.

Madam Speaker, I wish to advise this honourable House that the financial report of the Cayman Islands Airports Authority was delayed due to a domino effect of delays and ensuing investigations of 2014, along with various other personnel changes within the Cayman Islands Airports Authority's financial department, and the scheduling with the OAG's office. I am pleased to advise this honourable House that the Auditor General's Office is nearing completion of the 2018 audit; and the 2019 audit has commenced

Madam Speaker, in closing, I would like to thank the Board and the management of the Cayman Islands Airports Authority for their efforts in producing these audited financials, and the Office of the Auditor General for auditing them. I now invite all Members of this honourable House and the public to review the report in detail.

Thank you, Madam Speaker.

ANNUAL REPORT 2020 – CAYMAN ISLANDS TOURISM ATTRACTION BOARD

The Speaker: The Honourable Minister of Tourism and Transport.

Hon. Kenneth V. Bryan: Thank you, Madam Speaker. I rise to lay before this honourable House the Cayman Islands Tourism Attraction Board Annual Report 2020.

The Speaker: Does the Honourable Minister wish to speak there to?

Hon. Kenneth V. Bryan: Yes, Madam Speaker, just briefly.

In accordance with section 52 of the Public Management and Finance Act (2020 Revision), I am pleased today to place before this honourable House the audited Financial Statements of the Cayman Islands Tourism Attraction Board for the fiscal year 2020.

Madam Speaker, the Cayman Islands Tourism Attraction Board is a statutory authority established under the Tourism Attraction Board Law in 1996 (Law 17 of 1996) on 25th November, 1996. The primary function of the Tourism Attraction Board is the general and financial management of government-owned tourism attractions in accordance with the aforementioned Law and Cabinet directives. Those are:

- Pedro St. James;
- The Queen Elizabeth II Botanic Park;
- The Hell Geological Site; and
- The Cayman Craft Market.

The operations of the authority are regulated by the Government of the Cayman Islands.

Madam Speaker, the 2020 audited Financial Statements show that the total income for the year ended 31st December, 2020 was \$2,372,389, while total expenditure was \$2,514,528. This resulted in a net deficit of \$142,139.

The authority had current assets of \$1,755,083 and non-current assets of \$5,203,387. Total assets equalled \$6,969,470 at 31st December, 2020. The current liabilities were \$329,815 and there were no non-current liabilities; therefore, Madam Speaker, total liabilities equalled \$329,815. Total equity, being contributed capital and retained earnings, equalled \$6,639,655. Total liabilities and equity amounted to \$6,969,470.

Madam Speaker, the audited financial statements of the Tourism Attraction Board includes the Auditor General's opinion. The entity received an unqualified opinion for the year 2020. The Auditor General found that the financial statements of the Authority present fairly, in all material respects, the financial position of the Tourism Attraction Board and its entities as at 31st December, 2020; and its financial performance and statement of cash flows for the year ended in accordance with the International Public-Sector Accounting Standards.

Madam Speaker, in closing, I would like to thank the Board and the management of the Cayman Islands Tourism Attraction Board for their efforts in producing these audited financial statements, and the Office of the Auditor General for auditing them. I invite all Members of this honourable House and the public to review the reports in detail for further information.

Thank you, Madam Speaker.

THE MENTAL HEALTH COMMISSION - ANNUAL REPORT 2021

The Speaker: The Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner, Minister of Health and Wellness and Home Affairs, Elected Member for Prospect: Madam Speaker, I rise to lay on the Table of this honourable House the Mental Health Commission - Annual Report 2021.

The Speaker: Does the Honourable Minister wish to speak thereto?

Hon. Sabrina T. Turner: Yes, Madam Speaker.

Madam Speaker, in accordance with section 8 of the Mental Health Commission Act, 2013, I am pleased today to Table in this honourable House, the Annual Report for the Mental Health Commission for the calendar year 2021.

Membership

Madam Speaker, the Mental Health Commission was established back in January 2014, under the Mental Health Commission Law, 2013. Its members are:

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

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

Functions

Madam Speaker, the functions of the Mental Health Commission are divided into three sections:

- Quasi-judicial: to hear and determine appeals under various sections of the law, and conduct reviews where a patient has been detained and released under an emergency detention order three or more times in 30 days;
- Recommendations to the Health Practice Commission and Councils: this includes submitting an annual report to the Minister with responsibility for health, reviewing and advising on scopes of practice and codes of ethics for practitioners, providing policy advice to the relevant registering councils, and advising the Health Practice Commission regarding mental health facilities, medical research and clinical trials in mental health.
- Other general functions include:
 - obtaining and compiling statistics on mental health;
 - overseeing and delivering mental health training for constables, prison officers and other persons expected to deal with mental health patients in the performance of their functions;
 - [providing] approved list of overseas mental health facilities;
 - researching and establishing protocols and guidelines for mental health advocacy and approving persons to act as advocates;
 - establishing and maintaining a programme which provides information to the general public concerning mental health illness and coordinating disorders and related conditions;

- reviewing, every six months, the progress of remand prisoners deemed unfit to plea and submit it to the Chief-Officer, Judicial Administration; and
- giving policy advice to the Minister responsible for health on any aspect of the local mental health system.

Madam Speaker, I will now like to speak on the contents of this specific report.

Procedural Matter

Hon. Juliana Y. O'Connor-Connolly, Minister of Education and District Administration and Lands, Elected Member for Cayman Brac East: Madam Speaker, [I rise] on a procedural matter, please.

May I get an explanation as to who the stranger in the Chamber is, because under conventions, a camera should not be arbitrarily taking pictures of Members? Certainly, I am not in agreement with it. Is he a member of the Government Information Services (GIS)?

The Speaker: Thank you.

I do apologise, I failed to make an announcement earlier this morning to advise Members that I have granted permission to the gentleman, who is employed by GIS, just for today and tomorrow, to take some photographs on behalf of the Government as they are rolling out a new communications plan to enhance the engagement with the public in relation to our Parliament.

Hon. Juliana Y. O'Connor-Connolly: Madam Speaker, with the greatest respect, I take your apology and I accept your explanation, but one ought to remember that this is the People's House; there is a Government and an Opposition. A camera person is not allowed to arbitrarily have a camera roaming around the place. Otherwise, we will end up with what we had on two occasions before, an unsanctimonious photo of a Member of Parliament, whilst not speaking, in a picture circulating on social media. That's the reason the rules are there.

The Speaker: I thank the Honourable Minister.

If it is the wish of the Parliament for me to ask the photographer to leave, I can do so. I'd be advised by all Members on their wishes.

[Pause]

Hon. W. McKeeva Bush, Elected Member for West Bay West: Can I ask, what is the purpose of the photos?

The Speaker: Thank you, Honourable Member for West Bay West.

The photos are being used by Government Information Services. They are rolling out a communication plan particularly in relation to the proceedings of Parliament, and I think today was the commencement.

I do apologise; I failed to announce it earlier. However, if Members wish for me to ask the photographer to leave and we can resume this later, I will be guided.

Honourable Premier.

The Premier, Hon. G. Wayne Panton, Minister of Sustainability and Climate Resiliency, Elected Member for Newlands: Madam Speaker, I was generally aware of the proposal for GIS to be involved with a different approach, in terms of communication of the activities of Parliament for the benefit of the people of the country. Obviously, I wasn't aware of all the specific details of it, but clearly you have given permission for the photographer to be here.

I equally do not wish to stand in the way of Members generally if there is a level of discomfort, but I would ask that we give the opportunity to this new communications plan, for the benefit of both the Opposition as well as the Government, to work. Of course, you can give the guidelines that you think fit and perhaps Members might have the opportunity to indicate to you what sort of guidelines.

I understand the concerns about the potential for someone to be taking a picture of activities on someone's desk or a note that's written or something like that. However, I think the attempt is laudable, in the sense that it is an attempt to communicate more fully to the people of the country, for the betterment of the people of the country, exactly what the activities of Parliament are, so they are fully aware and better informed.

I think we all would welcome the opportunity for that to happen because there is often a complaint from the members of the public that there is not enough communication, but of course, we do have concerns and I am not quite sure at this point how to resolve that other than, perhaps, asking more senior Members with longer service to express their views.

The Speaker: The Honourable Minister of Tourism and Transport.

Hon. Kenneth V. Bryan: Thank you, Madam Speaker.

I just rise to add a little bit of input to the current match at hand, not from the well-experienced perspective because this is only my second term, but from a media perspective.

You, as the Honourable Speaker, have outlined that this is a government agency, a contracted worker on their behalf, therefore the government agency will be responsible for the content of those pictures, as well as to the distribution of which pictures would be the most appropriate. I think we should have enough confidence within our own Government Information Services that those files will be kept in a

protective manner and whichever ones are distributed will be distributed in a very digested way.

Madam Speaker, I do agree that we should be doing better with our media exposure so people can see that we are working hard in this honourable House, and I, as a Member of this Government, would not want to deny the gentleman, as a Caymanian, for getting this job opportunity for these two days. He is an entrepreneur, contracted by GIS. I laud them for using Caymanians to do this job and I would hate to know that we—based on our own fears of something potentially negative happening—take away that opportunity from the gentleman.

Again, I say, once this is contracted by the Cayman Islands Government Information Services, we should feel comforted that pictures taken are within the Government's remit and therefore, any picture of a person, hypothetically speaking, getting caught in a yawn or rubbing their eye, would not get out on social media.

Therefore, I think it should be allowed, that's my humble input Madam Speaker.

Hon. Juliana Y. O'Connor-Connolly: Madam Speaker, I beg your indulgence.

For some reason, it seems that certain persons have to elucidate on matters whether or not they have the experience or the intellectual capacity. That is not the case this morning. I rise purely on a procedural matter. It has nothing to do with whether he is Caymanian; it has absolutely nothing to do with whether he works with GIS.

In fact, had he have on the badge that is required by the rules here, the question would not have to be asked. He would have been properly briefed that when you are in Parliament, despite the fact that some people don't seem to recognise the importance and significance of a parliamentary democracy, you have to wear the badge. Further, he should have been briefed that you only take pictures of a Member when he or she is standing on his or her feet. This is not a Hollywood hall, this is not a Public Relations (PR) stunt, it is the Seat of Democracy and there are rules and conventions for different reasons.

I have absolutely no lack of confidence in GIS and their capability to take photographs and do it the right way but this is a House of Parliament, and as much as we would like to think so, it is not a house of government. There is a Government and there is an Opposition, and it has to be seen; perception becomes actuality.

For the past several months, what has obtained in this House is an erosion greater than what obtains at West Bay Beach when it comes to parliamentary sanctity and democracy, and I wish I did not have to stand to say it but somebody has to say it.

The Speaker: I thank the Member for her sound words. We all can appreciate her experience here.

I have already granted the member from GIS permission to take photographs, but I will ask the Parliamentary Page to just have a word with him to go over the rules which were provided; perhaps, he did not get a copy of them. Also, to provide him with a badge although it's a bit after the fact, but just so that we can have [compliance] going forward.

I thank the Member for her concerns.

Does anyone else wish to speak on this matter?

Hon. Roy M. McTaggart, Leader of the Opposition, Elected Member for George Town East: Madam Speaker—I give way.

The Speaker: The Honourable Member for Red Bay.

Hon. Sir Alden McLaughlin, Elected Member for Red Bay: Thank you, Madam Speaker.

I just want to say a few things which I think may have been forgotten. As the Honourable Minister for Education who spoke said, Parliament is not an agency of the Cayman Islands Government.

We battled, some of us in here—the Member for West Bay West, the Minister who spoke herself, some of our other Members—for years to give this Parliament, by legislation, the autonomy which the principles of Westminster Government properly require. This Parliament is now run by a Parliamentary Management Commission. Decisions which involve matters such as this, are decisions which properly ought to be taken by the [Council of the] Parliament Management Commission, which is made up of Members of both sides of the House.

The Member for Education is absolutely right. What I have seen happening over this term, is a situation where the Government is making decisions which are properly the province of the Parliament Management Commission [Council]. I don't want to get into this, I had no idea what was transpiring, but I just want us all to remember that we have a duty not just to represent our people on matters related to our constituencies and broader policies, but we have an overriding responsibility to continue the development and preservation of this sacred concept called parliamentary democracy. For we look around the world and we see how that is being eroded in other places, places like the United States where people would have thought it is not possible for democracy itself to be at stake.

I think, Madam Speaker, you are brand new at this, I certainly lay no blame at your feet, but I just want us all to remember that when it comes to matters involving the House at that sort of level it is the Parliament Management Commission [Council] that should be involved and should take those sorts of decisions.

I thank you, Madam Speaker.

The Speaker: Thank you, Honourable Member.

Does the Honourable Leader of the Opposition still wish to speak?

Hon. Roy M. McTaggart, Leader of the Opposition: No, thank you, Ma'am.

[Pause]

The Speaker: Thank you.

Before we move on, I just want to remind the photographer, if you could just please refrain from taking photographs of the Members unless they are standing only, and then we will have a conversation when we break for lunch.

Minister of Health and Wellness, you may continue.

Hon. Sabrina T. Turner: Thank you, Madam Speaker. I continue, long-term residential mental health facility.

[Laughter]

[Inaudible interjection]

Long-term Residential Mental Health Facility

Hon. Sabrina T. Turner: Madam Speaker, as you are aware, in July 2017, the Ministry of Health on behalf of the Cayman Islands Government signed a contract with Montgomery Sisam Architects Inc., a Toronto based company, to conduct the Design and Construction Cost Consultancy Services for the building of a long-term residential mental health facility.

Madam Speaker, on 8 October, 2019, the Cayman Islands Government broke ground on the construction of the long-term residential mental health facility. The completion of the project has been inevitably delayed due to external factors, mainly the COVID-19 pandemic; most recently, supply chain issues and even inclement weather. An updated report will be provided to this honourable House in due time.

Training

Madam Speaker, training on the mental health legislation and increasing mental health awareness amongst our community continue to be a focus of the commission.

Last year, the Mental Health Commission conducted two training sessions:

- Firstly, to staff of the custody suites of the Royal Cayman Islands Police Service (RCIPS); and
- Secondly, to the new recruits of His Majesty's Cayman Islands Prison Service (HMCIPS).

Madam Speaker, the training conducted by the Commission provides a platform for free feedback and

dialogue on how to address stigma, public education, de-escalation, and identifying some of the challenges and possible solutions surrounding mental health.

Detention Forms

Madam Speaker, it is a requirement under the Mental Health Act (2022 Revision) for all detention forms to be sent to the secretary of the Mental Health Commission for storage and filing. For the year 2021, there were 62 patients admitted for various types and degrees of mental illness; the number of detention forms received was 103, similar to the number of forms received the previous year.

In 2021, there was a significant increase in the use of the Request for Review form, and this may be construed by the increased awareness around the use of the form for families, friends and the wider community as they suspect a person is in need of mental health services and needs assistance. The Request for Review form may be completed by the nearest relative of a patient who is of the opinion that the patient is suffering from mental illness, mental impairment or may harm himself. Once the form is completed and taken to the Medical Officer, a Royal Cayman Islands Police Service Officer is deployed to assist with taking the patient into protective custody. If they require hospitalisation, an Emergency Detention Order lasting up to 72 hours is issued. The use of the Assisted Outpatient Treatment Order detention form continues to be very relevant in the treatment of patients and allows the psychiatrist to provide treatment with or without the patient's consent.

There were no appeals received by the Commission for the year 2021.

Data Collection Form

Madam Speaker, as required under the Mental Health Commission Act (2022 Revision), one of the functions of the Commission is to obtain and compile statistics on mental illness in order to report on the needs of the Islands mental health system.

Madam Speaker, for the year 2021, nine facilities submitted data collection forms, two of which are public facilities. The highlights are as follows:

- 90 per cent of the nine facilities have responded or received health insurance for mental illness. However, what is unknown is whether the coverage is adequate for the treatment provided. Anecdotal evidence suggests that the amount allocated for mental illness under the Standard Health Insurance Contract (SHIC) is inadequate and is used only for inpatient admission. Many of the mental health diagnoses are long-term illnesses requiring sustained and continuous treatment and care.
- Under the Health Insurance Regulations (2017 Revision), the inpatient benefit for mental health is CI\$25,000 per lifetime.

- There is a continuous upward trend of increase in the number of persons who seek treatment for mental illness. This is a positive step which may suggest that the stigma associated with a mental illness is decreasing, persons are taking care of themselves, and education and prevention programmes and resources are more accessible.
- A large percentage of the clients seen is between 25 and 64 years, followed by [the] 0-18 years age group. This confirms that many of our children and adolescents are also seeking care and treatment for mental illness.
- More females than males are also clients.
- The number of visits or encounters for outpatient services during the year of the COVID-19 pandemic continues to increase over the same period for the previous year.
- For the Caribbean Haven Residential Centre facility, more males than females used the inpatient facility where the average length of stay for residents was 50 days; more than a 50 per cent increase over the previous year. For the Health Services Authority (HSA) the average length of hospital stay was 11 days.
- The employee category of counsellor/therapist makes up a large number of the mental health employees employed by the facilities, followed by psychologists.
- Also included in offering treatment and care for mental health services are registered behavioural technicians and applied behaviour analysts. These professions provide added value to the scope of care available to the Islands.
- The top three diagnoses were grouped under anxiety, depression and other, where "other" included Attention Deficit Hyperactive Disorder and Autism Spectrum Disorder to name a few.

Madam Speaker, the information will continue to be collected quarterly and the findings reported to the Cayman Islands House of Parliament annually.

Other Matters

Madam Speaker, I am pleased to report that the Commission collaborated with various agencies during 2021 to share information, raise awareness and educate our community. The members met with the following agencies:

- The Alex Panton Foundation
- Information Rights Coordination Unit
- LOUD Silent Voices which is a Non-governmental Organisation (NGO)
- Health Insurance Standing Committee
- Royal Cayman Islands Police Service Liaison Officer with mental health; and
- Caribbean Haven.

Along with these meetings Madam Speaker, the Commission was also able to host two community meetings in early 2021—which was January and May—both of which were well attended. These meetings, perhaps, helped to advance the work of the Commission and provide assistance for the unit at the HSA through a common understanding between stakeholders and the public.

Madam Speaker, in the eight years since the Commission has been established, the commitment and dedication of its members to the improvement of mental health for all, remains unchanged.

As has been stated many times before, the Commission gives of its time freely and so I would like to take this opportunity to thank them for their time, their efforts, their passion for the work that they do. The Ministry of Health and Wellness remains committed to its support of the work of the Commission and on strengthening mental health services throughout our three Islands.

After all, our goal to strengthen public health nationally, cannot be achieved without this key component.

Thank you, Madam Speaker.

THE NATIONAL GALLERY OF THE CAYMAN ISLANDS - ANNUAL REPORT AND ACCOUNTS 31 DECEMBER 2021

The Speaker: The Honourable Minister of Youth, Sports, Culture and Heritage.

Hon. Bernie A. Bush, Minister of Youth, Sports, Culture and Heritage, Elected Member for West Bay North: Madam Speaker, I beg to lay on the Table of this honourable House the Annual Report and Accounts 31 December 2021 for the National Gallery of the Cayman Islands.

The Speaker: Does the Honourable Minister wish to speak?

Hon. Bernie A. Bush: It's self-explanatory.

ANNUAL REPORT 2021 - CAYMAN ISLANDS NATIONAL MUSEUM

The Speaker: The Honourable Minister of Youth, Sports, Culture and Heritage.

Hon. Bernie A. Bush: Madam Speaker, I beg to lay on the Table of this honourable House the Annual Report 2021 for the National Museum.

The Speaker: Does the Honourable Minister wish to speak?

Hon. Bernie A. Bush: No, thank you.

The Speaker: So ordered.

CAYMAN NATIONAL CULTURAL FOUNDATION – CREATIVITY: HERITAGE: EDUCATION - ANNUAL REPORT 2021

The Speaker: The Honourable Minister of Youth, Sports, Culture and Heritage.

Hon. Bernie A. Bush: Madam Speaker, I beg to lay on the Table of this honourable House the Cayman National Cultural Foundation Annual Report 2021.

The Speaker: Does the Honourable Minister wish to speak?

Hon. Bernie A. Bush: No, thank you.

The Speaker: So ordered.

OFFICE OF THE OMBUDSMAN - ANNUAL REPORT 2021

The Speaker: [The Chairman of the Select Committee to oversee the performance of the Office of the Ombudsman], the Honourable Minister of Youth, Sports, Culture and Heritage.

Hon. Bernie A. Bush: Madam Speaker, I beg to lay on the Table of this honourable House the Office of the Ombudsman - Annual Report 2021.

The Speaker: Does the Honourable Minister wish to speak?

Hon. Bernie A. Bush: Just to say that the Committee is very pleased to see [that] the new Ombudsman is trying her very best, with a shortage of staff, to take this Office to the level that it should be at. Also, to say, I wish them the best of luck in their endeavours.

Thank you.

FREEDOM OF INFORMATION - 2021 ANNUAL STATISTICS REPORT

The Speaker: [The Chairman of the Select Committee to oversee the performance of the Office of the Ombudsman], the Honourable Minister of Youth, Sports, Culture and Heritage.

Hon. Bernie A. Bush: Madam Speaker, I beg to lay on the Table of this honourable House the Freedom of Information - 2021 Annual Statistics Report.

The Speaker: Does the Honourable Minister wish to speak?

Hon. Bernie A. Bush: No thank you.

The Speaker: So ordered.

OFFICE OF THE AUDITOR GENERAL CAYMAN ISLANDS – FOLLOW-UP ON PAST PAC RECOMMENDATIONS 2022 – REPORT 2 (February 2022)

REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE REPORT OF THE OFFICE OF THE AUDITOR GENERAL: FOLLOW-UP ON PAST PAC RECOMMENDATIONS 2022 – REPORT 2 (February 2022)

The Speaker: The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table the report of the Office of the Auditor General Cayman Islands – Follow-up on past PAC recommendations 2022 – Report 2; and with your permission, Ma'am, I would also like leave to go ahead and lay on the Table the Report of the Standing Public Accounts Committee on the Report of the Office of the Auditor General: Follow-up on past PAC recommendations 2022 – Report 2 dated February 2022—so the [OAG's] report and the PAC's report on it.

The Speaker: So ordered. Does the Honourable Leader of the Opposition wish to speak thereto?

Hon. Roy M. McTaggart, Leader of the Opposition: No, thank you, Ma'am.

The Speaker: The Honourable Premier.

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

The Premier, Hon. G. Wayne Panton: Madam Speaker, I rise to move the suspension of Standing Orders 23 (7) and (8) to allow the asking of questions after the hour of 11.00 a.m.

The Speaker: The question is that Standing Order [23(7) and (8)] be suspended. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

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

**QUESTIONS TO HONOURABLE
MINISTERS AND MEMBERS
OF THE CABINET**

**QUESTION No. 5
24.55 ACRES OF PROPERTY PURCHASED FOR**

AFFORDABLE HOUSING IN GEORGE TOWN

The Speaker: The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, I note that the Member is not in his seat at this point in time. May I ask, with your indulgence, that we allow the next question to be asked— oh, he is present.

Thank you.

[Pause]

Mr. Joseph X. Hew, Deputy Leader of the Opposition, Elected Member for George Town North:

Madam Speaker, I rise to ask the question in my name to the Honourable Minister of Planning, Agriculture, Housing and Infrastructure.

The question reads: Can the Honourable Minister state whether the 24.55 acres of property purchased for affordable housing in George Town (Parcel 20E, Block 213 REM3) will be used for the purpose intended, and if not, has replacement property of similar size been found?

The Speaker: The Honourable Minister of Planning, Agriculture, Housing, and Infrastructure

Hon. Johany S. Ebanks, Minister of Planning, Agriculture, Housing and Infrastructure, Elected Member for North Side: Madam Speaker, the 24-acre property purchased is located off of Halifax Road from Linford Pierson Highway.

Madam Speaker, as many may have heard, the Government recognised that the land previously identified for housing in George Town is also a key part of the drainage and the ecosystem of the area.

As such, Madam Speaker, the Government and the National Housing Development Trust (NHDT) will have to re-evaluate the site to determine the best option; therefore, it is difficult to determine exactly how this site will be developed.

However, I assure this honourable House that we recognise the importance of the housing in the George Town area, and will keep the House abreast of the development. In addition, Madam Speaker, we are actively looking for additional land that could be utilised to provide good value for money.

The Speaker: Are there any supplementary questions?

Supplementaries

Mr. Joseph X. Hew, Deputy Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, if I could ask the Minister to state whether or not the affordable or reasonable

property is being identified for or in the district of George Town, and not outside of George Town?

Hon. Johany S. Ebanks: Madam Speaker, yes, we are looking at additional properties in the central part of George Town and I am in talks with some of my colleagues about properties in certain locations.

Mr. Joseph X. Hew, Deputy Leader of the Opposition: Madam Speaker, I thank the Minister for that answer. I heard him say central George Town. Was that just a term, or you are actually looking at, as we call it, Central George Town, in the central district?

Hon. Johany S. Ebanks: Madam Speaker, that was just a term reference. I'm from the North, so when I say Town, I look at the overall picture as central. My apologies if he misunderstood me.

The Speaker: Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Madam Speaker, I just wonder if the Minister could be a little more specific in terms of where in George Town, because I know much time is spent trying to identify properties, [and] there is just very little of it available anywhere.

Hon. Johany S. Ebanks: Madam Speaker, there's much property for sale in George Town. I don't know if the Members don't look around George Town for themselves to see what is in the Cayman Islands Real Estate Brokers Association (CIREBA). I have tasked the team to start looking around so obviously, if there is a newer property update that we should be looking into, maybe they could pass it on to me.

QUESTION No. 6 EXPECTED COMPLETION OF JOHN GRAY HIGH SCHOOL

The Speaker: The Elected Member for George Town South.

Ms. Barbara E. Conolly, Elected Member for George Town South: Thank you, Madam Speaker.

Madam Speaker, I rise to ask the Honourable Minister question number 6 on the Order Paper standing in my name. The question: Can the Honourable Minister provide an update on the expected completion of the John Gray High School and advise whether it will be operational by January 2023?

The Speaker: The Honourable Minister of Education.

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

Madam Speaker, an answer was circulated yesterday afternoon; I did have a word with the

honourable Member for George Town South. The corrected answer is now in my hand and I would hope is in the possession of the House. I seek your leave to read the corrected answer, and for the sake of clarity, at the time of circulation yesterday the answer was correct.

This morning, [however,] two of the fire doors that came are wrong, because of that—safety comes first—it has caused us to reflect the correct answer, as we have no intention at any material stage to mislead Honourable Members of the House.

The answer: John Gray High School Project A, representing a new school building, is expected to be operational by Quarter one (Q1) of 2023.

The Speaker: Are there any supplementary questions?

Supplementaries

Ms. Barbara E. Conolly: Is there a timeframe in terms of the arrival of the fire doors?

The Speaker: The Honourable Minister of Education.

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

Madam Speaker, I am reliably informed that it should be by January. We thought, out of an abundance of caution, we would say Q1 so we would not have to come back and make a further amendment if there is bad weather or the boat cannot come, or because of Christmas there are further delays, so there will be a press release going out.

I have a meeting tomorrow with McAlpine [Limited] and my senior staff as to the way forward because it was originally envisioned that the entire school would be moving over. Teachers would return on 3rd January and the remnants of the school (just John Gray) would go on remote learning, and go into the school on the 20th—that is no longer necessary.

As a result of the two fire doors not coming for the corridor, there is a section that will get the red card, so a number of classes will go over in that section on 3rd January and the remnant would go over, we are hoping January, but I did not want to tie the team down until I had a face to face meeting with McAlpine tomorrow to get all the logistical issues worked out.

If the Member wishes, after the meeting I could communicate a further update to her in writing.

QUESTION No. 7 LIST OF SENIOR STAFF POSITIONS THAT HAVE BECOME VACANT OVER THE PAST TWELVE MONTHS AT THE HEALTH SERVICES AUTHORITY

The Speaker: The Elected Member for Red Bay.

Hon. Sir Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I am to ask the Honourable Minister with responsibility for Health & Wellness and Home Affairs question number 7, standing in my name.

Can the Honourable Minister provide the Parliament with a list of the senior staff positions that have become vacant over the past 12 months at the Health Services Authority (HSA), and provide the reasons for the resignations?

The Speaker: The Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner: Thank you, Madam Speaker.

Individual personnel matters are not normally discussed in Parliament, as staff has some reasonable expectation of privacy as it relates to relations with their employer. Therefore, without getting into specific details about the individual public officers, what I can state in broader terms, Madam Speaker, is that the Health Services Authority currently employs approximately 1,100 staff, and those employees have an average tenure of just under nine years.

Now, during the last 12 months, three individuals at the senior management level resigned, along with four individuals at the middle management level. Among the senior management resignations, one person resigned at the end of 2021 to pursue other opportunities in the private sector; another retired at the end of November 2022 after over four decades with the Authority, and a third resigned during the probation period, citing difficulties with the job responsibilities.

At the middle management level, all four resignations were contracted non-Caymanian employees. One individual resigned to pursue an opportunity in the Central Government; another resigned to return overseas, while a third resigned to take up an opportunity in the private sector. The fourth individual did not give a reason for their resignation.

To put things into the appropriate context, according to statistics published by Nursing Solutions Incorporated, the average hospital turnover rate in the United States for 2021 was 25.9 per cent. The HSA is currently tracking at less than 10 per cent for 2022.

Supplementaries

The Speaker: The Honourable Member for Red Bay.

Hon. Sir Alden McLaughlin: Thank you, Madam Speaker, and my thanks to the Minister for the comprehensive response.

Madam Speaker, the final paragraph of the answer speaks to an attrition rate of less than 10 per cent for 2022, but what I am interested in knowing is what percentage of the senior management team and the middle management team have resigned during this period, not the overall staff complement.

The Speaker: The Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner: Madam Speaker, I thank the [Member for the] supplementary question. I would be more than willing to provide the actual statistics of middle management and senior management staff to this honourable House at a more appropriate time, but we should understand that as a Minister—even though the board is there to represent the Minister and Cabinet—there are just certain sorts of operations, and where employment is concerned, that it would be flagged to the board and from their reports given to me. If there was a huge concern of course, yes, that would be brought to my attention.

I understand my colleague's concern and I will be in a better position once I get the relevant information and provide it to this honourable House at a later date.

The Speaker: Are there any other supplementary questions?

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: I have given leave to the Honourable Minister of Planning, Agriculture, Housing and Infrastructure to make a statement.

Hon. Johany S. Ebanks: Madam Speaker, Honourable Members:

It is with a grateful heart that I stand again in this honourable House to provide another update to the Caymanian people on the projects taking place in the departments under my Ministry of Planning, Agriculture, Housing and Infrastructure. While it is not intended to be an exhaustive list, please permit me Madam Speaker, to list some of those areas in which we have made great progress.

1. Increase investment in, and awareness of, technical and vocational training programmes;
2. Increasing the number of parks, civic centres and multi-purpose halls within communities;
3. Create new and expand existing industries such as agriculture;
4. Provision of affordable housing;
5. Develop and implement a national storm water management plan; and
6. Enact legislations and regulations to ensure developments have the proper infrastructure in place.

Madam Speaker, let me start with an outcome that is very close to me: expanding the agriculture sector so as to improve the well-being of our people. We have found ourselves in a period of renewed interest in agriculture, as consumers and producers both locally and globally become increasingly aware of:

- The challenges to world food production due to factors such as climate change and the ongoing war in Europe;
- The importance of food security and benefits to personal health;
- The economies of communities and countries consuming fresh, wholesome, and locally produced food.

Madam Speaker, the Ministry and Department of Agriculture have been addressing the issue of local food security with a multi-pronged approach. We do not want to react to impacts, but to carefully plan in advance in the event of a range of eventualities, especially natural disasters and world events.

In light of this Madam Speaker, my Ministry has been working to finalise the Draft Cayman Islands Food and Nutrition Security Policy, which was commissioned as far back as 2015. The draft policy which was prepared by the Ministry with the assistance of the Caribbean Agricultural Research and Development Institute, is a holistic approach in making the Cayman Islands a food and nutrition secure country. The Government's goals, through this framework are:

- To increase adequate supplies of affordable, safe and nutritious food items and ensure availability to meet national requirements at all times;
- Increase access to Caymanians and visitors to sufficient, wholesome, affordable food; especially to the children and elderly;
- Protect the public by providing quality and safety assurance of food supplies whether locally produced or imported; and
- Enhanced nutrition interventions with the broader public health framework.

Madam Speaker, the Ministry held close to 10 public consultation meetings across all three Islands to inform the public about the draft policy and to get their input on the plans. I want to thank each Member of Parliament who attended the session held in their constituency. This shows your interest in an issue that not only affects you and your constituents, but future generations of Caymanians. Our next steps include further ministerial review, submission to Cabinet for policy approval, and then implementation.

Madam Speaker, the Ministry team is grateful to the multi-sectoral steering committee which includes individuals from the private and public sector as well as academia, who have given their time and expertise to move this draft policy forward.

Madam Speaker, we have a plan; a plan that will be implemented under the watch of this Administration. Since my last presentation in this House, the Ministry and the Department of Agriculture have been implementing a number of projects to ensure adequate and accessible local food for years to come. Some of these initiatives include our National Egg Strategy.

National Egg Strategy

The Ministry has launched the first food safety quality standards for layers' operations called the Cayman Islands Poultry Standards - Layer Operation.

Madam Speaker, our aim is to certify all egg producers across our Islands. With the help of a poultry expert who we have recruited to guide our farmers, the plan is to improve local egg safety and quality assurance, which will ultimately increase the consumer confidence in the commodity.

Members of this honourable House will be pleased to know that a pilot group has been established with 16 commercial farmers whose farms are currently producing over 60 per cent of local table egg production—that is approximately 105,000 dozen eggs annually, Madam Speaker. The Department of Agriculture will provide those farmers and others who are interested with some equipment and inputs necessary to meet the standards and market requirements.

Livestock Development Plan

Madam Speaker, you may recall that the Government provided \$350,000 in funding for the importation of approximately 180 heads of livestock (150 cattle and 30 goats) in December last year. Members of the House will be pleased to know that in January 2023, the Cayman Islands Agricultural Society, will land the final batch of cattle under that agreement.

Madam Speaker, the Agricultural Society will also purchase, on behalf of the Government, 35 pure-bred Jamaica Red Poll cattle that are suited for our local environmental conditions.

[Inaudible interjection]

Hon. Johany S. Ebanks: Thirty-five, sir.

This elite herd will be used to establish the first ever Cattle-Breeding Programme in the Cayman Islands. The plan, Madam Speaker, is to maintain the superior genetics of these animals with twelve of them being kept for the breeding programme, and twenty-three of them sold to a selected farmer base approved by the Ministry.

Aligned with our implementation of the cattle breeding programme, has been the training of Caymanians from the Veterinary Service Division in artificial insemination, embryo transplant technology and practice. Two individuals have already been trained, with five more to undergo training in the first quarter of 2023. With the continued training of our local people,

Madam Speaker, we will have the expertise needed to increase the success rate of artificial insemination on island.

Madam Speaker, I previously shared in this House that to support the livestock development programme and the cattle breeding programme, the Ministry started to roll out a National Livestock Identification and Tracking System earlier in May. This system tracks livestock and includes information on the identity, ownership, and geographic location. All information collected is stored electronically under the control of the Department of Agriculture.

Close to 300 livestock have been tagged to date; visual ear tags have been affixed to each animal, with plans in place for an animal passport with the same identification number as that on the ear tags to be issued to the owner. Madam Speaker, the National Livestock Identification and Livestock System will bring the Cayman Islands in line with the international standard in farm to consumer supply chain that is traceability.

Farmers Identification (ID) and Registration Programme

Madam Speaker, on assuming my post over a year and a half ago, one of my first steps was to conduct a review of the agriculture sector to ascertain the resources/improvements needed for its modernisation. Out of that review has come a new farmers' identification criteria developed by the representatives from the Ministry, Department of Agriculture and the Agricultural Society.

Madam Speaker, one of the significant changes to be made will be the move from the Farmers' Identification Card Programme to the Farmers' Identification and Registration Programme. The new identification and registration programme will:

- Improve how Government provides benefits and incentives to the farming community;
- Identify and register all agricultural producers to assist with creating policies;
- Collect and collate agricultural production data; and
- Restructure the allocation of benefits and incentives to the farming sector.

It is important to note Madam Speaker, that as part of the new programme there will be a shift in the name from "farmer" to "agricultural producer", in keeping with the international trends in the sector. These are exciting developments aimed at modernising our sector and bolstering our Islands' food and nutrition security.

Our farmers are energised by the improvements that are taking place in the sector, and have been sharing their feedback and suggestions with the Ministry and the Department of Agriculture. I want them to know that the PACT Government is listening to them and is working to provide the technical resources and

agricultural inputs required to grow and strengthen that sector.

Madam Speaker, our policy team and legislative drafters are preparing the necessary documents to support the legal and regulatory framework for the development and modernisation of the agriculture industry. This includes the Agricultural Land Lease Policy. The Ministry with the support of the Ministry of District Administration and Lands have completed the draft policy which aims to make large tracks of [idle, arable] land available to farmers for the growing of agricultural produce and rearing of livestock. We are currently awaiting feedback from our internal stakeholders on the policy, and our next steps will be to make the document available to the public for consultation.

In addition, Madam Speaker, both the Animals Act (2015 Revision) and [draft] Plant Protection Bill are being revised. Instructions have also been given for the drafting of the Pesticide Control and Agricultural Bills. The Ministry's target is to have these bills before the Parliament by the end of the Financial Year 2022/2023.

Cayman Islands Agricultural Show

Madam Speaker, to quickly touch on the 2023 Cayman Islands Agricultural Show before I move on. The President of the Agricultural Society informed me that all is on track for an eventful show next year. The event is scheduled for Wednesday, February 22, 2023, at the Agricultural Ground and will be held under the theme *Agriculture for our Future*.

We anticipate that it will attract some 10,000 attendees and I have extended invitations to my counterparts in Barbados, Jamaica and others in the Caribbean to attend this event.

The Agricultural Society and the Ministry will share more details on the upcoming event in the coming weeks.

Housing

Turning to another area of major priority for me and this Government— the provision of quality, affordable housing solutions for [fellow] Caymanians.

Madam Speaker, our Government also has a plan for affordable housing and is committed to providing support to the National Housing Development Trust (NHDT) to increase the number of houses across districts. Since my last presentation made to the honourable House in September, some progress has been made in this area.

Just last month, representatives of the Ministry and NHDT broke ground on phase three of the Lighthouse Gardens affordable housing development in West Bay. The subdivision design for phase three of the Lighthouse Gardens development consists of 19 affordable housing lots. This phase will complete the 9.5 acre property with a total of 55 affordable homes at that location.

The Member for West Bay West, Mr. McKeeva Bush, who attended the ground-breaking, has expressed his joy about the new housing lots and has already been making enquiries about further expansion on adjoining lands.

Madam Speaker, some Members of this House may be aware that the NHDT has completed work on East End and Bodden Town housing development sites. While there are some delays due to the availability of materials and services, the 10 houses, 7 in East End and 3 in Bodden Town, are ready. NHDT is now in the process of assigning those houses to applicants who have been waiting for the opportunity.

In addition, the Ministry has gazetted the main road leading to the development, Lake Destiny Drive, and the National Roads Authority (NRA) just completed paving of that road for use.

Madam Speaker, I want to commend the NHDT for all it has done to keep construction costs low, especially at this time when materials and other inputs for development projects are increasing. They have done so without compromising the quality of the homes which will be equipped with wooden cabinets, granite countertops, porcelain floors and other amenities.

Importantly, Madam Speaker, the NHDT continues to offer these houses at a low cost with the reported market value equivalent to those provided in the open market.

Work is also progressing well at the 12-acre North Side housing development site where we broke ground for 45 house lots last December. The subdivision plan was approved earlier this year and the Trust is now concentrating on the installation of the water pipeline and road infrastructure.

While NHDT's Board continues to concentrate its efforts on building on vacant land at the housing sites on the North Side, East End and in West Bay, it has also been tasked to replicate those efforts in George Town by acquiring land for new development.

Madam Speaker, aligned with our goal to make home ownership more accessible, I am pleased to report that the NHDT Board approved an interest rate adjustment to match the prime lending rate, for 17 existing tenants in the Lease To Own Programme. This interest rate adjustment will also be applied retroactively.

This is a measure that will significantly assist the 17 tenants at East End, Windsor Park and the West Bay Lighthouse Gardens locations. The change means that the tenants' existing commitment will be reset to a repayment position similar to a mortgage repayment arrangement with the local banks. In addition, their arrears will be adjusted accordingly.

It is expected that the interest rate and retroactive adjustment will encourage these persons to take the bold step of paying off their loans, owning their own homes and in some cases, addressing their accumulated arrears.

All of these tenants who will receive the benefits of the interest rate and the retroactive adjustment

are over the age of 55 years, and in keeping with the Government's policy to strengthen the support to older persons, the decision was also taken to waive their closing fees including the administrative fees and valuation.

Madam Speaker, we are doing this because we want to alleviate the burden on our senior citizens who have worked hard and made a contribution to this country. They deserve to live in dignity and not under the constant worry of high fees and high cost of living.

Madam Speaker, I have made this call on a number of occasions but I believe it is worth repeating. It is important that we move away from associating affordable housing with the usual negative [connotations] that we always have people pointing and saying that those are the poor people's homes.

Madam Speaker, that is so far from the truth. In countries like Singapore, for example, public housing is the preferred housing choice for the majority of the population. Why should it be any different for the Cayman Islands? These homes are affordable and they are perfect for young families as starter homes. They are also excellent homes for those families who have spent many years paying rent but could never qualify for a mortgage.

Our PACT Government will continue to focus its attention on providing these opportunities during this term in office. I have instructed the Ministry staff and the NHDT Board to be proactive and review the entity's initiatives with a view to making the programmes more beneficial to our people.

Madam Speaker, we all know that home ownership is the cornerstone of a strong community. These housing initiatives will provide the opportunity for many to take their place on the first rung of the homeownership ladder.

Madam Speaker, it would be remiss of me not to mention also, that the NHDT has started to take a look into the Apple Blossom site which I think, is in your area.

The Speaker: I was going to ask the Honourable Member if he was reading from the wrong version of his speech as I hadn't heard that as yet. Thank you.

[Laughter]

Hon. Johany S. Ebanks: Madam Speaker, unfortunately, nowadays I don't have to carry two speeches but I would not forget the Apple Blossom site because there are several people in that area who call me weekly.

Madam Speaker, I have just received the sketch drawing of how the layout of the land will be and it will be moving forward shortly for Cabinet to observe and then onto [the Department of] Planning for approval of the land parcels so that we can actually start to look into building homes there.

Madam Speaker, just to let you know, that site is a little bit easier to deal with too because the majority of the infrastructure has been done already so it was just realigning the parcels to fit the infrastructure that we have. We didn't have to duplicate anything and we can start to roll homes out in the short turn of next year which I am very excited about for those people in that area.

Facilities Management Department

Madam Speaker, moving next to Facilities Management Department. In an effort to improve the customer service provided by the Government, the Department will be rolling out, in the New Year, the Cayman Islands Government Contact Centre to improve the customer service experience by bridging and filtering the communication channels between the public, the internal customers and the government agencies.

Several contact centre agents who have been deployed from Travel Cayman are currently being trained in different entities across government. We are optimistic that these agents will be able to assist customers who have queries and provide fast resolution to their issues.

The Department also has completed a number of projects at the civic centres across Grand Cayman and continue with several upgrades which will make the buildings more accommodating for users including those with special needs. The aim is to have all centres disabilities compliant.

At the Constitution Hall, upgrades have commenced [with the] installation of security cameras as well as work to make both [the] bathrooms and stage wheelchair compliant.

[Desk thumping]

Hon. Johany S. Ebanks: A facelift includes the replacement of the flooring, repairs to the ceiling and bathrooms, the replacement of lighting and the creation of a small kitchenette.

At the South Sound Community Centre, security cameras have been installed, roof repairs are currently taking place along with window replacement, flooring, bathroom upgrades and a general facelift.

The Gun Bay Civic Centre facility has been equipped with new appliances, security cameras, chairs and tables, LED lighting upgrade, the entry door replacement; the basketball court has been resurfaced and the new basketball hoops have been installed.

The East End Civic Centre: flooring, the ceiling, the AC unit, stage and ducting have been completed and installation of security cameras, electric vehicle (EV) car charging station and the painting have also been completed. Work continues on the bathroom renovations, and the roof repairs are about to commence.

The North Side Civic Centre: painting, the flooring, the ceiling and the stage have been

completed. The installation of an electric vehicle car charging station and security cameras have also been completed. The fencing replacement is still in progress.

Madam Speaker, for the upcoming year it is anticipated that all the civic centres will be equipped with video and audio equipment, interior upgrades, automated security lighting and security alarms. When all of these works are completed these centres will provide a space where Caymanians of all ages can gather to enrich their bodies and minds as well as foster the feelings of a community and civic pride.

I am pleased to report Madam Speaker, that the Facilities Management Department is working alongside the Ministry of Youth, Sports, Culture and Heritage to introduce some of our Caymanian history and heritage at the civic centres. This will include information and photos/visual art about Caymanian men and women who have contributed to nation building and the development of our Islands.

Madam Speaker, there is currently a committee in place working on this project that includes local artists and members of the various districts. The project is expected to get off the ground early next year and I have been informed that the plan will be rolled out at the Gun Bay, East End and North Side Civic Centres.

The Department has also been a primary contributor to the National Energy Policy and recently installed a 100 kilowatt (kW) carport mounted solar array at the Government Administration Building, which will be commissioned this week.

In addition, they have installed several charging stations at the civic centres and the Government Administration Building and the Cayman Islands Environmental Centre with plans to install more.

Department of Vehicle and Equipment Services

Moving next, to another department that provides internal services to government, the Department of Vehicle and Equipment Services (DVES).

Madam Speaker, just three weeks ago, the Department officially opened Phase II of their redevelopment project for the Department of Vehicle and Equipment Services. This project which started under the previous administration has been a major priority of this Government as well. Our aim was to ensure we provide a safe, modern and comfortable environment for our hardworking employees while enhancing our customers' experience.

With the completion of Phase II, DVES customers will now be able to benefit from a state-of-the-art 19-service-bay facility which provides the required configuration to service the vast range of vehicles and equipment owned by Government.

As Members may be aware, as a result of the Phase I redevelopment, the team has been able to integrate employees, stores and manage fleet services in the two-story administration building.

The total floor space of the entire department is over 42,000 square feet.

Madam Speaker, we are very pleased that this new garage facility will lead to more improvements in DVES' services, including better turnaround repair times and increased working stability for large vehicles.

I must pause to commend the management and staff of DVES for having the National Energy Policy as an important part of its strategic goals for 2022/2023 as they have made it a priority to expand and integrate government's electric fleet.

Director, Stephen Quinland, has shared with me that the new facility ushers in a new era for the Department of Vehicle and Equipment Services; an era which will require a total change of mind-set at DVES in order to embrace the advancement of new technologies. This is not only the expectation of the Government but also that of the public to whom we serve.

I am particularly proud to see the Director's commitment to the Caymanian mechanics. DVES also remains committed to its current mechanics with continuation of their electric vehicle service and safety training.

Madam Speaker, we are thankful to the Honourable Premier G. Wayne Panton, the Deputy Premier Hon. Christopher Saunders and my colleagues in Cabinet, and many others who have been supportive of this project.

As it relates to the Department of Vehicle and Drivers' Licensing (DVDL) Madam Speaker, the Department has progressed well with its change agenda to make it more convenient for Caymanians and residents to access the services they need.

Some of the Members in the House will be aware that DVDL opened its West Bay Office at the Jacques Scott Marketplace in October.

Madam Speaker, we have been receiving very positive feedback from our customers as the new location offers more comfortable space for them to conduct business.

Some of you will recall the old DVDL West Bay Office in Bank's Plaza, right across from the Police Station. That office served its purpose but was a very small space, just 600 square feet, which could no longer provide the seating capacity and the world class level of service we want for our customer experience.

Madam Speaker, this new location of 1,200 square feet, will not only offer more office space for our customers but will provide better accommodation for staff and a place for more equipment such as the drivers' licensing machine and the [QLogik] ticketing system.

In addition, we now have the capacity to increase the number of employees there to include a supervisor, three licensing officers and a customer service officer.

I am particularly pleased with the space as it is friendly to our elderly and those with disabilities which is very important to this Government.

Madam Speaker, I want to thank the DVDL staff led by Mr. David Dixon as well as the Public Works Department for all their work in making this a reality.

I also owe [you] a debt of gratitude Madam Speaker, as well as the Member of Parliament Minister André Ebanks for your support as we worked to complete this project. The new location will serve us very well for years to come and [will be] a place where we can proudly serve our Caymanian people and [residents].

Madam Speaker, I must say that I think that new site for DVDL is in a great location and my colleagues from the West— and I think you yourself or maybe someone from your staff may have attended the opening that day and— were all very happy with what they saw, very pleased that that expansion was happening in West Bay.

Over the past year and a half Madam Speaker, we have seen positive levels of transformation that have been taking place at the Department.

Since the start of this year, of the 14,241 customers who attended the West Bay Office, 97 per cent of those customers stated they were very happy with the customer service provided. We are very pleased with the customer feedback, Madam Speaker.

We are also encouraged by the public's response to the online options that are available to them to renew vehicle and drivers' licences. For example:

- In 2017, 48 persons used the online system, generating \$6,000 in revenue
- Over 6,000 people used the system, which generated \$1 million in online revenue in 2019; and
- This year (2022), 17,000 people, with \$3.55 million in online revenue.

Still, we are not where we want to be in terms of online usage, so I want to encourage members of the public to utilise this option. What we can say, by the numbers showing, is [that] people are getting more used to going online; it makes it much easier for them, taking care of their driver's licence and vehicle licencing needs right from their phone or their laptop.

Madam Speaker, I will now draw your attention to the upgrades of the Department of Planning.

[Pause]

The Speaker: Honourable Minister, just wondering if you could give us an indication if you have quite a bit more left to go with your statement. The reason I am asking is because the copy that I have received is different from what you are reading from, so I can't really follow.

Hon. Johany S. Ebanks: My apologies on that Ma'am. I can give you a copy of this after, if you want to take a quick break.

The Speaker: Not a quick break; I am just wondering if we want to finish your statement.

Hon. Johany S. Ebanks: I have about maybe 35-40 minutes, I would say.
[Inaudible interjection]

The Speaker: Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Yes, Madam Speaker. May the Opposition have a copy of that statement as well? We don't have anything to follow.

The Speaker: Yes, I will ask for all Members to receive the updated copy.

Hon. Johany S. Ebanks: Madam Speaker, is this a convenient time for us to take the lunch break, then?

The Speaker: Yes. We have now reached the hour of 12.30 p.m. The House will suspend for lunch; we will return at 1.30 p.m.

Proceedings suspended at 12.33 p.m.

Proceedings resumed at 1.41 p.m.

The Speaker: Please be seated. Proceedings are now resumed.

The Honourable Minister for Planning and Infrastructure has advised that he will provide Members with the written copy of his statement, rather than completing it on the Floor.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: I acknowledge that we have yet again, as a country, recently lost some amazing Caymanians. Just as recently as last evening in the district of West Bay, we lost community icon Mr. Arthur Ebanks, so I want to take a moment to personally offer my condolences to his wife, Ms. Angela; his daughter, his siblings, his mother, Ms. Mary; and particularly his sister Carla and brother Armando. The entire country, as we all can agree, grieves today.

Additionally, we have lost community members Mr. Edward Solomon, known to many of us as Sollie, and Mr. [Joseph] Haldane Bodden. I will take a few moments to call on Members who wish to speak.

The Honourable Member for West Bay West.

Hon. W. McKeeva Bush: Thank you very much, Madam Speaker.

As you have pointed out Madam Speaker, we have lost some well-known and elderly citizens in West Bay and just again last night my good friend, Arthur Ebanks—Arthie, we called him for years.

I was older than him, of course, but very close with his family. His mother was my good supporter at all times and has now, this suddenly, lost a good son. I want to acknowledge his work in government at several points, and his development of a business between him and his wife. He was a good darts player, [he and] my eldest sister were in teams together and I want to pass on that remembrance. On behalf of West Bay and indeed, my family, we offer our condolences.

I also want to put on record the passing of the late Bernice Levy who was interred on Saturday. All her life she was a teacher, all her life, and she was a good one. She was one of my teachers for a time. Ever since I've known her, not just in the classroom but in the community, [she was] visiting and making sure that elderly people were taken care of in many different ways. We pass to her daughter Tania; sons, Woodburne and Barrington, and other family members our condolences; and our thanks to Ms. Bernice, for being one of the pioneers in the education system of our country.

I also give condolences to the Hydes family again—their son, [Robert] “Bob” [Hydes passed]; and then the late Marion Jessinthia Ebanks who was in her nineties when she passed away suddenly at home. We extend our condolences to Wavelin, Nelly, Rosemary and their families. Our deepest sympathy.

Thank you very much, Madam Speaker.

The Speaker: The Honourable Deputy Premier.

Hon. Christopher S. Saunders, Deputy Premier, Minister of Finance and Economic Development, and Border Control and Labour, Elected Member for Bodden Town West: Thank you very much, Madam Speaker.

On behalf of the Customs and Border Control (CBC) family, I would also like to extend our deepest condolences to Mr. Arthur Ebanks' family. As Members [of the House] and members of the public would be aware, Mr. Arthur worked with the CBC for 30 years of really good service. He was a personal friend to my father, and for me on a personal level, I remember many times as a young man traveling back and forth for school, I could always look for that welcoming face. As many people know, since retiring from government he and his wife operated the pharmacy in Savannah that actually served many people in the Eastern district, especially on Sundays when they needed medicine for their family, so I want to send my deepest condolences.

This one is a little bit personal to the Ministry of Finance in that one of our key members, Karen's, brother in law passed too, so I want to send my deepest condolences in that regard.

Madam Speaker, I would also like to recognise the recent passing of another Caymanian icon, Mr. Robert Bodden; originally from Red Bay, he made his home in Lower Valley. His wife Hazel, I know, is always well tuned to these sessions, so I want to send my condolences and record the passing of another great Caymanian.

His funeral was attended by Members from both sides of this House. I know Sir Alden McLaughlin from Red Bay was at his funeral, as was my colleague from Savannah, from memory, so I want to recognise his passing and send condolences to Brian, Susie and Ingrid on the passing of their dad who was definitely a trailblazer. Many Caymanians actually owe him a great debt of gratitude, for allowing them to even buy property to build their homes.

Thank you all very much.

The Speaker: The Honourable Minister for Culture.

Hon. Bernie A. Bush: I would also like to bring forward the name of Ms. Joan Hydes, the daughter of, as people know [him] Mr. Boey of Joe-Ena's Liquor Store; the sister of Sharon, Mitchell, Richard, she passed away as well. On behalf of my colleagues, I would like to offer that whole family condolences as well.

The Speaker: Any other Member wishes to speak?
The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Madam Speaker.

Madam Speaker, I would like to join you and other Members of the house in offering condolences to all of the bereaved families in particular, Mr. Arthur's, who was a good friend of mine. We played football together for many years in West Bay. I have very fond memories of our time together. I remember him graduating, I think, maybe a year ahead of me and I remember getting on the bus one day going to school and saw Arthur walking down the road very proudly in his Customs uniform, and he wore it so well. He always looked very smart, he looked the part. Seeing him in his uniform and seeing how proud he was to wear it, reinforced my desire to join a uniform service.

Subsequently, I joined Immigration and worked many long evenings and nights together with Arthur at the airport; we remained friends throughout. I used to see him in church in West Bay from time to time and you know, hearing last night that he had passed away was a very sad, very sad situation. We have lost an icon who was an outstanding civil servant and public servant who gave back much to make Cayman the great place that it is, so on behalf of all of us in the Civil Service and the wider public service I want to also extend condolences to his family.

Also Mr. Solomon whom, like you said, we all knew as Sollie. He was a sponsor of our team, [in which] I played along with Arthur—*Arabus* Youth United—he sponsored us for many years and we got to

know him very well, and it said much about how he cared about our community that he was a sponsor for our football team. He was a good man who did much good for Cayman, lots that went unknown and he didn't brag about it, he just he just did it; and he was one of the most successful entrepreneurs. His son Jamil and I worked together at Immigration, so I want to offer condolences to the family, but especially to Jamil.

Also Ms. Bernice Levy. I was so sad to hear of her passing, she has done so much for the people of West Bay as a teacher. Her son Woodburne is a doctor practising in the United States. I want to offer him condolences as well.

Thank you, Madam Speaker.

The Speaker: The Honourable Premier.

The Premier, Hon. G. Wayne Panton: Thank you, Madam Speaker.

I want to join other colleagues who have expressed condolences to the families of these very significant people who have passed away. It is indeed sad to lose people whom we love, who are such significant contributors to our society—to our country.

I take the opportunity as well to extend condolences to the family of Mr. Craig Arch who I think is the Audi principal or one of the principals, at least, of the Audi dealership in Cayman. He is a gentleman that will certainly be missed as well. I think he has considerable Caymanian roots, although he may have been raised elsewhere. I just wanted to extend those [condolences] as well, Madam Speaker.

Thank you very much.

The Speaker: Minister of Tourism and Transport.

Hon. Kenneth V. Bryan: Thank you, Madam Speaker.

I rise to pass on my sympathies to the family members who have been raised by my colleagues, but also to add two icons who recently passed in my community, Miss Glennis Ramoon Novorro, better known as Ms. Gurley, who passed about a month ago and Ms. Mary Janet Bodden-Downs who was also from the central community. My heart and prayers go out to the families as they deal with the passing of their loved ones.

To double down on the Honourable Deputy Governor and Honourable Premier about Mr. Sollie and Mr. Arthur Ebanks.

Mr. Arthur Ebanks and I used to be on the National Dart team together. I didn't share any working opportunities with him, but he did teach me how to play darts as a young man and I will forever remember the good times, and the smiles and the advice he gave me.

Last but not least Mr. Sollie, better known as the *Arabus* man to me as a young man and believe it or not, Madam Speaker, the reason I know how to tie my own tie in the mornings today is because of him. I grew up without having to tie a tie, and in my youthful years of trying to be Mr. Fashion Boy, the only person

you could go to, to understand how to be a true man with respect to your attire was Mr. Sollie and he taught me so much. This country is truly going to miss his value.

I was so saddened even when we found out he was going to close his shop. George Town itself didn't even feel the same. I even contemplated opening a men's store in his memory when he closed it, or even buying out what he was going to close, but I don't think I can ever fill those shoes with respect to what it takes for a male to dress, but his memory will live on.

My heart and thoughts go out to the families of Mr. Sollie and Mr. Arthur, through these difficult times.

Thank you, Madam Speaker.

Hon. W. McKeever Bush: Madam Speaker, the late [Joseph] Haldane Bodden was a barber for many years here in Cayman operating in George Town. I think he was just about 97 years old.

The Speaker: Thank you.

The Honourable Deputy Speaker wanted to say a few words as well in relation to Mr. Bodden, unfortunately, he is not here at this time.

The Honourable Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, it seems that hardly a day passes that you don't hear of someone who is so well known and respected in communities passing away. There has been so much death and sadness in our communities over the past several weeks, and I wanted to join with you and everyone else who has expressed condolences, and I do so on behalf of the Opposition to all the families who are grieving and mourning at this time.

I think of Ms. Bernice, Mr. Arch, Mr. Solomon and Mr. Arthur Ebanks as well, all well known, all made very significant contributions to this community and to this country in their respective fields, and so you know that their contributions and their memories will live on in us for years to come. I know they all have left their own mark and legacy indelibly stamped on their loved ones and those whom they would call their friends, family, and associates, so I join with others in expressing my condolences, on behalf of my family and the Opposition, to all of these families who are grieving at this time.

I pray that they will take comfort in the knowledge and understanding that there is indeed a life after death and we all believe there is a day when we will all meet together again in the afterlife and see each other.

With that, Madam Speaker, I thank you for the opportunity.

The Speaker: The Honourable Parliamentary Secretary, [Member] for East End.

Mr. Isaac D. Rankine, Elected Member for East End: Thank you, Madam Speaker.

In addition to my colleagues' messages of condolence to the families of the bereaved, I want to take this time to publicly offer condolences to the Christian family, Mr. Nelson and his family, on the loss of his wife Ms. Perlina a couple of weeks ago. I want to pass that on publicly to those families on behalf of the Premier and this Government. We got to know Ms. Perlina much better over the last few years, and I know that she was a mother not only to her own family, but the extended families that lived around her.

In addition, I want to say special condolences to Arthur's family. Arthur and I had a special relationship and it was just yesterday when I learned of his passing, that someone else called me and said that his last message to them a few weeks ago was that, while he would see them soon on a visit, he wanted them to continue to pray for me as the MP for East End because we had such a close relationship.

It really touched me yesterday evening, which would have been his last message to one of my friends, so I want to pass on condolences to his family as well.

Thank you, Madam Speaker.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

The Speaker: The Honourable Premier.

The Premier, Hon. G. Wayne Panton: Madam Speaker, today's Order Paper sets out the Bills to be covered under Government Business and subsequently, the Government Motion. I rise to move the re-ordering of the Government Business, Madam Speaker, such that:

- The Government Motion be heard first, and in relation to the Bills;
- The Identification Register Bill, 2022 be heard first— so that would become number (2); and The Cayman Islands Identification Card Bill, 2022 would become number (3).

I so move, Madam Speaker, under the relevant Standing Orders.

The Speaker: Does the Honourable Premier wish to offer an explanation?

The Premier, Hon. G. Wayne Panton: Madam Speaker, the Motion obviously relates to the Referendum being proposed by Government and at this point it is most closely aligned with the Gambling (Amendment) Bill, 2022, so having those two dealt with consecutively in that manner is regarded to be most convenient and appropriate for us.

In respect of the change of order for the Identification Register Bill, 2022 and the Cayman Islands Identification Card Bill, 2022, the first one— the Identification Register Bill, 2022— is effectively the platform from which the Cayman Islands Identification Card Bill, 2022 would operate, so it is thought that it would be most appropriate to actually deal with the Identification Register Bill, 2022 first, then deal with the Cayman Islands Identification Card Bill, 2022.

Hon. W. McKeeva Bush: Madam Speaker, a matter of procedure which the Premier is dealing with. Are you saying that you are moving to the Government Motion first? Is that what is being said?

Madam Speaker, as you know by now, I Tabled an amendment to the Gambling (Amendment) Bill, 2022; if you deal with that first, what is going to happen then to my Amendment, or the Bill, because both... Well, as long as they are saying that it is not going to affect the Amendment, Madam Speaker.

I am saying that because the Government Motion is asking for a Referendum which impinges on my Amendment to the Gambling (Amendment) Bill, 2022. As long as you are not saying that when the time for that Amendment comes in Committee, I couldn't put in that Amendment.

The Speaker: Member for West Bay West, we can proceed with the change in the order of business and still accept your amendments to the Bill.

The question is that the order of business on the Order Paper is rearranged—

Hon. Sir Alden McLaughlin: Madam Speaker.

The Speaker: The Member for Red Bay.

Hon. Sir Alden McLaughlin: Madam Speaker, all of us over here are a bit bemused. There has been no explanation.

We had a Business Committee meeting, we agreed the order for today and in quite an unusual way, if not unprecedented, the Premier is now, I presume, moving a Motion to reorder the Government Business by promoting the Motion for a national Referendum on gambling and the decriminalisation of small quantities of cannabis— I think Caymanians call that ganja but anyhow— with no explanation really as to why we are dealing with that. Is that a matter of urgency? Is there going to be a Referendum before the end of the year? Why are we dealing with that in an order that is not conventional and is not in accordance with the relevant Standing Order? In fact, the Premier will have to suspend the relevant Standing Order if he is going to promote the Motion over Bills, if I am not mistaken.

Perhaps the Minister of Education can help.

[Pause]

The Speaker: Honourable Premier.

The Premier, Hon. G. Wayne Panton: Madam Speaker, under Standing Order 86, the House has the ability to suspend Standing Orders and in respect of Standing Order 14(1)(I) sets out Government business as being typically first Bills and secondly, motions. This is simply a request for the House to reorder the business to deal with the *one* Motion that is most closely related to the Gambling (Amendment) Bill, 2022, which is going to be the first Bill being dealt with on the Order [Paper]. That isn't being changed at all.

To the point made by the Member for West Bay West, obviously that has no impact on any proposed amendments which may be dealt with in Committee Stage.

Madam Speaker, the one real change is the re-ordering of what is currently listed as items (2) and (3) of the Bills, which is the Cayman Islands Identification Card Bill, 2022 and the Identification Register Bill, 2022— just swapping those two Bills around. Surely there can't be any objection.

Madam Speaker, it is entirely without any merit to suggest that it is unprecedented, I have seen it done by the Government many times in this House. Thus, I so move, and I would request that the Motion be heard and the question put, Madam Speaker.

Thank you.

Hon. W. McKeeva Bush: Madam Speaker, the Premier is absolutely right concerning the changing in the order of business at times. I still have a concern about the Amendment being so closely related to the Bill and the Motion. Why do they want to change it around at this time? Is there any particular urgency to it? I mean, I don't know, but if there is...

The Speaker: Honourable Premier.

The Premier, Hon. G. Wayne Panton: Madam Speaker, I am not sure why there is this much concern about this issue.

I have indicated that the two are related, I will be dealing with both matters and I would prefer to bring the Motion up first, and deal with the Gambling (Amendment) Bill, 2022 immediately thereafter. I think it makes perfect sense to address both issues because of the fact that they are connected, and I am not aware that we really need to have much more of a substantive rationale or reason to do it.

[Inaudible interjection]

Suspension of Standing Order 14(1)(I)

The Premier, Hon. G. Wayne Panton: Madam Speaker, I moved the Motion previously. I will restate it for the benefit of everyone. The motion, Madam Speaker, is to suspend Standing Order 14(1)(I) in order

to reorder the business as I have previously noted, which would be:

Firstly, to move Government Motion No. 3 of 2022-2023 - Referendum on National Lottery and Decriminalisation of Small Quantities of Cannabis, from the end of the list of readings [and] put it first on the Government business order; and

Secondly, to change the order for two of the Bills, moving the Identification Register Bill, 2022 up in the sequence, and moving the Cayman Islands Identification Card Bill, 2022 down in the sequence. I've given the rationale for that, which is that the Identification Register Bill, 2022 is the foundational Bill which allows the card to effectively work as contemplated, and it is thought most appropriate to deal with it in that manner, Madam Speaker.

Thank you.

The Speaker: The question is that the order of business on the Order Paper be rearranged so that the Government Motion can be dealt with before the Bills.

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

AYES and one audible No [by Hon. Sir Alden McLaughlin]

The Speaker: The Ayes have it.

Agreed: Standing Order 14(1)(I) suspended.

[Pause]

The Speaker: For completeness, I want to reiterate that the Motion just approved now amends the order of business to have the Government Motion heard first, and that the two Bills brought by the Honourable Minister of Financial Services and Commerce, which relate to the Cayman Islands Identification Card Bill, 2022 and Identification Register Bill, 2022, are switched.

MOTIONS

GOVERNMENT MOTION NO. 3 OF 2022-2023 REFERENDUM ON NATIONAL LOTTERY AND DECRIMINALISATION OF SMALL QUANTITIES OF CANNABIS

The Speaker: The Honourable Premier.

The Premier, Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, I rise to move Government Motion No. 3 of 2022-2023 entitled Referendum on National Lottery and Decriminalisation of Small Quantities of Cannabis. Madam Speaker, the Motion reads:

WHEREAS Section 69 of the Cayman Islands Constitution Order 2009 provides that a law enacted by the Parliament may make provision to

hold a referendum amongst persons registered as electors in accordance with Section 90 on a matter or matters of national importance;

AND WHEREAS the matter of whether decriminalising the possession of small quantities for personal use and consumption of cannabis is in the best interest of the Islands and its residents;

AND WHEREAS there has been much debate for many years on the subject of introducing a national lottery;

AND WHEREAS in September 2022 the Government indicated that it was considering holding a referendum on the subjects of decriminalisation of cannabis and the introduction of a national lottery;

BE IT NOW THEREFORE RESOLVED THAT the following be declared matters of national importance:

- a. whether a National Lottery should be introduced in the Cayman Islands; and;
- b. whether the consumption and possession of small amounts of cannabis should be decriminalised;

AND BE IT NOW THEREFORE FURTHER RESOLVED THAT the said matters be specified in a Bill and brought by the Government to this Parliament for debate in accordance with the provisions of Section 69 of the Cayman Islands Constitution Order 2009 as amended.

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

The Premier, Hon. G. Wayne Panton: Thank you very much, Madam Speaker.

Madam Speaker, I rise to speak to Government Motion No. 3 of 2022-2023, which seeks to declare two important questions as matters of national importance, which are:

- a. Whether a national lottery should be introduced in the Cayman Islands; and
- b. Whether the consumption and possession of small amounts of cannabis should be decriminalised.

And that these matters be specified in a Bill and brought by the Government to this Parliament for debate in accordance with the provisions of Section 69 of the Cayman Islands Constitution Order 2009 as amended.

Madam Speaker, I stand here today as Premier in this honourable House on what is another seminal moment for our beloved Islands as we, as a Government once again demonstrate our willingness to not shy away from challenging issues, but directly engage

and include our Caymanian people, the very people who have given us the privilege of representing them, in decisions of national importance, which for years have been debated, discussed and kicked around our community.

Madam Speaker, the two issues which are at the heart of this Motion: the introduction of a national lottery and the decriminalisation of the consumption and possession of small amounts of cannabis, will no doubt spark much discussion and debate not only within this honourable House, but within homes, workplaces, public gatherings, and I dare say, wherever people gather across this country. That's not a bad thing Madam Speaker, but it falls to me to set the tone at this point, by explaining firstly, why now is the time for a Referendum to be brought, thereby clarifying what is required today in the Parliament, and to explain what the process will entail if the Motion is carried.

Firstly, Madam Speaker, I want to emphasise the need for all of us within this honourable House, and within our own communities, to demonstrate the highest level of respect and tolerance for diverse viewpoints and dare I say, strongly held convictions, that accompany these types of matters of national importance.

Madam Speaker, on timing, it is a well-known fact that this Government stands for People-driven, Accountable, Competent and Transparent (PACT); the Motion before us today, Madam Speaker, embodies the heart and soul of our approach to governance.

For years, Madam Speaker, discussions and the odd public debate here and there have been vocalised around these two issues. What has been lacking, Madam Speaker, is the political will and the commitment to progress the national debate forward. Perhaps, Madam Speaker, it was a lack of an ability to carefully frame the discussion; or maybe it was just the fear of the political backlash for advancing either one of these two issues; or perhaps even just concern about engaging with our people, the people who vote for us, on issues like this Madam Speaker.

Madam Speaker, we can hypothesise all day about why that has been the case in the past, but in April of last year, this new administration was elected, one which refuses to kick the can down the road on difficult issues. I therefore wish to commend my colleagues for their support, for underscoring our commitment to leadership, to democracy, to addressing the tough issues head on, and for supporting this Motion.

Madam Speaker, I believe that this Motion, if carried, would require the presentation of a Referendum Bill. [It] is quite clear and unequivocal.

First and foremost, the legal and constitutional framework exists. Section 69 of the Constitution, Madam Speaker, provides: **“A law enacted by the Legislature [which would be read as Parliament] may make provision to hold a referendum amongst persons registered as electors in accordance with section 90, on a matter or matters of national importance, when so resolved by the majority of the**

elected members of the Parliament”. Thus, Madam Speaker, the Constitution envisaged that from time to time, there would be a matter or matters— and I emphasise the plural there— of national importance, which could be decided by way of a referendum amongst registered electors, registered voters.

Madam Speaker, this Government believes that on these issues the time is now. We have two matters which we desire the support of this Parliament to be specified in a Bill, and brought back to this Parliament for debate, after which a referendum could take place. Madam Speaker, of course, the requirement for this resolution as a precondition to bringing the Bill for the referendum exists, and that is why we are doing this Motion at this time. Why now, Madam Speaker? Well, quite frankly, both matters potentially signal a significant shift in our jurisprudence, and indeed our collective value system. They are simply very important issues on which we must hear the people's views.

Madam Speaker, in relation to the national lottery, I wish to carefully set out the parameters of that matter and that is, whether a national lottery should be introduced in the Cayman Islands.

Madam Speaker, the Government wishes to seek the guidance of our people on this very narrow area of gambling. A national lottery, as the term infers, would be Government-owned (or controlled) and operated.

Madam Speaker, I must make it clear that this Motion does not seek to legalise gambling generally, or other lotteries, which would continue to be illegal. To that point, Madam Speaker, we have on the Order Paper, for presentation and debate, the Gambling (Amendment) Bill, 2022 which will seek to strengthen the penalties for illegal lotteries and gambling activities and for many of the good reasons which will be articulated when that Bill is debated and presented, Madam Speaker.

However, in considering the pervasiveness of illegal gambling on our Islands, the Government is compelled to acknowledge that there is a significant acceptance of lotteries. At the end of the day there is a demand, with the only supply being unsafe, unregulated, and unchecked, illegal operations and outfits which are creating significant societal risks and costs.

Madam Speaker, we are reinforcing our commitment to uphold the law by not accepting, or continuing to accept and kicking the can down the road in relation to illegal numbers operations, by giving the public the opportunity to indicate to us, as their representatives, whether they wish for us to introduce a Government-controlled-and-operated national lottery, one which is regulated, has the necessary controls around it and is done in a transparent way.

Madam Speaker, the really important point in this is that, this is purely about a lottery, a national lottery. This is not about the operation of casinos, this is not about asking whether gambling per se in its widest sense should be allowed. This is focused on one issue

and one issue alone and that is whether it is the will of the people of the Cayman Islands to indicate to the Government by their participation in and the results of the Referendum, whether they wish the Government to introduce a national lottery. Madam Speaker, we believe the time is now to inquire of our people on this matter.

Madam Speaker, switching over to the second issue and that is the decriminalisation of the possession and consumption of small quantities of cannabis, marijuana, ganja, whatever term by which we typically refer to it.

There was a time when legislation talked about marijuana being illegal to possess, or consume for that matter, and charges were brought against individuals to the effect that they were illegally in possession of ganja. An erudite and astute lawyer waited until the six months were up and put the argument that the charge was ineffective; that the law didn't say you couldn't possess ganja, the law said you couldn't possess marijuana; and the argument found favour Madam Speaker. That perhaps is not the only reason, but we refer to this as cannabis or marijuana, ganja being the slang vernacular for it.

[Inaudible interjection]

The Premier, Hon. G. Wayne Panton: Yes, more colloquial expression.

Madam Speaker, we are eager to move this forward. Early on in this administration, this was a matter that was discussed and we all went through campaigns in early 2021 and it was an issue for many young people. I know this issue goes back even before that, when I was first elected to this honourable House in the period 2013 to 2017. We had many representations at that time as well: that it was unduly impacting the lives of our young people, preventing them, people who are otherwise law-abiding people or perhaps had through youthful indiscretion been involved at an earlier time and it was impacting their lives.

Madam Speaker, that was part of the reason why we brought forward a piece of legislation to replace the original Rehabilitation of Offenders Act (1998 Revision), which was the Criminal Records (Spent Convictions) Act (2018 Revision)— Law it was then— with new schedules allowing the expungement from their records. However, Madam Speaker, whether you expunge it after five years, or whether it doesn't form a part of your criminal record to begin with, is a very significant distinction and that is the distinction that decriminalisation relates to.

Madam Speaker, in presenting the Government's 2022-2024 Strategic Policy Statement, we set out our collective position and that was under Broad Outcome 3 which is, **“Providing solutions to improve the well-being of our people so they can achieve their full potential”**. There was a subsection to that, which was designed to address creating greater

employment opportunities for Caymanians, which includes removing obstacles to their employment, Madam Speaker.

In fact, Madam Speaker, our Government's commitment is set out in point (6)(h) which states, **“Reduce discrimination against young people in education and employment through decriminalisation of marijuana [or cannabis]”**.

Madam Speaker, I can go further and say that this is a clear, clear demonstration of this Government's desire and delivery to follow through on our commitments, on our promises to the people of the country.

Madam Speaker, we see this as a matter of justice and a matter of fairness. I wish to propose to the public a new approach of decriminalising the consumption or possession of small amounts of marijuana or cannabis.

Decriminalisation, as I said earlier, takes away the status of criminal convictions or criminal law from those acts to which it is applied. This means that certain acts would no longer constitute criminal offenses. If the public were to vote for the decriminalisation of cannabis or marijuana, it would still be illegal Madam Speaker, to consume it or possess small amounts, but you would not have a criminal record; they would no longer be criminal offences.

Madam Speaker, it doesn't mean that there will be no consequences. The consequences, Madam Speaker, would [be] rather than having a criminal record and being fined or having, perhaps, a custodial sentence apply, the consequences would be something along the lines of an administrative fine, a fixed penalty or perhaps, for the first occasion of very, very small amounts, it might even be just a warning from the police at that time.

Thus, Madam Speaker, consumption [and] possession would still be illegal but it changes the nature of the penalty for a person who consumes or possesses within the prescribed amount which we all have to recognise has not yet been determined.

Many countries have approached this issue, Madam Speaker, there is much guidance. I think Jamaica has done it from 2015 in relation to a couple of ounces [however], it doesn't have to be a precedent that we follow. There are many other countries, many developed countries that have addressed this issue for some of these same reasons.

Madam Speaker, I just want to be clear. This is about decriminalisation, this is not about legalisation. Too many times the two issues are conflated but they are very different.

In terms of this decriminalisation, this would be asking the people to tell us whether or not they find it acceptable that the possession or consumption of small amounts of marijuana or cannabis, instead of having a criminal consequence— in terms of a criminal record, plus whatever other deterrent fines or sentence might be involved— will instead simply be an administrative action.

Madam Speaker, it is important as well to point out that this is not about permitting the open possession and consumption of cannabis, public smoking or vaping of cannabis, or the cultivation of cannabis.

We know that some of our fellow overseas territories have attempted to bring legislation to effectively legalise— whether they described it as that or not— and allow the cultivation. That is not an option that is open to us. We have seen in other territories where that attempt has been made [and] we have been reminded, that we are bound by an international convention which prevents that.

Of course, Madam Speaker, we as a country and the then Administration, [in] which I was a Minister, amended the Misuse of Drugs Act (2014 Revision) to allow for the medicinal use of cannabis oil. The use of cannabis extracts and traces of cannabis such as cannabidiol (CBD) oil for medical or therapeutic purposes has been legal since then. It must be prescribed by a doctor licensed in the [Cayman Islands] in accordance with the Health Practice Act (2021 Revision) and of course, the prescription must be a part of treatment for a person under a medical doctor's care.

Madam Speaker, some of the motivating factors propelling legislative change to provide for the decriminalisation of the consumption and possession of small quantities of cannabis or marijuana, include addressing the issues of numerous arrests and wide imprisonment which strain law enforcement resources and fill the prisons with otherwise law-abiding citizens who have had small amounts of marijuana in their possession. There is also a propensity to incarcerate, which has led to a wasteful, in some views, and certainly costly, for sure, penal system where many potentially productive lives and families have been very significantly and negatively impacted without redound to the wider benefit of the society.

Madam Speaker, the prejudicial effect on the young people who have a criminal record for offences involving the possession of small amounts of cannabis or marijuana can, as mentioned earlier— and I think we all know these as facts we all have constituents who have raised these issues with us— impact at times their ability within the period of expungement, no matter how far away from the act of the conviction; it impacts their ability to get jobs in some cases. It also potentially impacts individuals' abilities to travel or to perhaps even pursue opportunities for migration.

Madam Speaker, here in the Cayman Islands, we like to consider ourselves willing to adopt best practices, willing to look at recent developments in other parts of the world and decide which of those we think are relevant and appropriate for us to adopt. Certainly, Madam Speaker, we have many developments in international and regional jurisprudence which indicate that issues around criminal possession, are complex, are perhaps unjust, unfair; some would even say maybe even violate human rights and freedoms.

Madam Speaker, we can decide what is appropriate for us and this is an opportunity to ask our people: What approach do you want your Government, your Parliament, your Legislators, your Representatives to adopt on this issue?

Madam Speaker, I just want to reemphasise that we feel that now is the time to consider these two matters as matters of national importance. In the first case, in terms of the gambling, [because of] the reality that it is widespread, that it is regulated by legislation which is extremely old and has not been made fit for purpose and kept up with the times.

In the case of consumption and possession of small amounts [of cannabis], the impact that it has on our young people, the fact that there is a wave where we have adopted medical marijuana, and around the world there is a view that small amounts such as this is contemplating, should not have too significant a consequence on the lives of people.

This, Madam Speaker, is the opportunity, this is the Government, hopefully, optimistically, perhaps too optimistically the whole Parliament, wishing to give and support the right of the people of our country to make a decision on these really, what we say are, important issues and what our constituents tell us are important issues, Madam Speaker.

Madam Speaker, of course some might say, a referendum isn't absolutely required for this; that's correct. The Government could be making these decisions but again, I go back to the point made earlier, we wish as a government that is reflective of the views of the people and accountable to the people, to be the government who is listening to the people on issues that are important like this.

This is in the long-term best interest of these Islands to fully utilise the provisions of the Constitution in this way Madam Speaker, this is what it is intended for and we are seeking to give the people a direct say on matters of national importance which impact their lives.

Madam Speaker, today is simply about considering this Motion and it's not a decision on the matters themselves; as I said, that will follow with a Referendum Bill.

In fact, the questions finalised and set out in that Bill specifically as well, will be reflective of the two matters of national importance that we have outlined in the Resolution.

Madam Speaker, if I can again outline the process on this issue. The successful passage of this Motion would authorise the Government to return to this Parliament with a Bill which we can refer to as a referendum Bill in accordance with the provisions of section 69 of the Cayman Islands Constitution Order 2009 as amended and that means, given the timing now, the earliest that we would be doing that would be the first quarter of next year.

Of course, we are all familiar with the requirements for public consultation which is enshrined in the

Constitution; originally as 21 days now extended to 28 days. There is obviously the possibility to certify shorter notice but this is not an issue that, I certainly, would regard as appropriate to issue short notice on.

Madam Speaker, one of the points that I want to make in fairness and full transparency is that democracy is not cheap and it's certainly not free. We have received indications from the Supervisor of Elections that the projected costs associated with this Referendum, inclusive of postal ballots, mobile voting and general polling on referendum day, are in the region of \$1.1 million.

Madam Speaker, it is an issue that we think the people of the country deserve to have their say on.

Madam Speaker, again, there are lots of views one way or the other on this issue and sometimes there are strong sentiments. Sometimes in our discussions we can have passionate interactions but I would just again, ask people to discuss issues like this with respect, and I would say that this is a test of our value system in our ability to discuss issues like this respectfully.

Madam Speaker, regardless of the outcome of the Referendum, [or] what it may be in the future, today the principle of democracy and more importantly our people, will have scored a victory because we have as a government brought this Motion for consideration to give them the opportunity to have a say on these two issues of national importance. It is a reflection of our courage and our ability to again address difficult issues, tough issues.

Madam Speaker, that is why we believe the time is now to declare two issues of national importance: whether a national lottery should be introduced in the Cayman Islands, and whether the consumption and possession of small amounts of cannabis should be decriminalised; and that these matters be brought in a Bill by the Government to this Parliament for debate in accordance with the provisions of section 69 of the Constitution.

Madam Speaker, we believe our people are ready for this debate and our position as a government will be to try to ensure that there is balanced sharing of information and the Government's intention is to just listen to the people; we do not wish to promote the result one way or the other. This is the opportunity for the people of this country to share their views with themselves and with their representatives.

Madam Speaker, we will support our people through that process and we will trust our people to make the right decision to decide by way of a referendum. We will step out of the way and let our people have their say on these issues that we wish to hear from them.

Thank you, Madam Speaker.

The Speaker: Honourable Member for West Bay West.

Hon. W. McKeeva Bush: Thank you very much, Madam Speaker.

Madam Speaker, I have listened very intently to the Premier and the arguments put forward for a referendum. It is a very compelling argument for any government to seek the will of the people on a national lottery for Cayman but in the meantime the numbers game is already a national game going on and Government says there is serious crime involved and therefore, we must increase the fines. Well, I doubt that saying, *I am seeking the will of the people*, is going to stop that or on the other hand, is it not going to increase the crime?

Anyway, my concern is about time; time. My feeling is, in the time it will take to bring a Bill, to have a referendum— unless it has been pointed out. I never caught if the Premier is setting a time frame. I don't know, I didn't catch that if he did say so.

[Inaudible interjection]

Hon. W. McKeeva Bush: First quarter. Then if you're going to have the Referendum you got to go out and campaign for it.

[Cross talk]

Hon. W. McKeeva Bush: Well, for it or against it, but I would imagine on the campaign trail the Government might be saying, *we want this*.

[Inaudible interjection]

Hon. W. McKeeva Bush: My concern is timing and if there is a Yes, then you have to come up with a lottery system. I guess consultants would have to be employed to create a lottery system, et cetera, and then, when will that take us to?

I know it is a hard thing for a new Government to say we will make the numbers legal. I guess it's a most difficult thing, and you will hear it is not democratic. It's a good argument, it's a good argument to say that we are being democratic to bring a referendum. Then what happens if the referendum vote is close between the Noes and the Yeses, so close that it gives jitters to go with the close Yes, or jitters to go with the Noes, and Government advisors say it's too close to go to set up a system? That's the risk we take with a referendum. Then the illegal numbers game, the funds going out of the country, and the serious crime continue.

There is no doubt, from what I am hearing, that there is going to be a huge pushback from our churches and other religious people, who will usually fight about what causes social deterioration, that's going to be part and parcel of their argument, so if there is a huge No then what of the issue? Government will say, *No, we can't go; it's a huge no and we have done right because we have been democratic and we campaigned and we*

have said where we want to go, and the people have said, No.

What happens, because there are going to be many people who are saying yes to some sort of legal games, because many people play and many people depend on that for their income today, from what I am hearing. I don't want to hear anybody come tell McKeever that he plays it too, because I don't. I buy the lottery in the [United] States, like most people do if you are there.

However, there are issues, not just to come and say we are going to have a referendum and we have done the democratic thing, because those who have the jitters about saying yes to the numbers game and making that legal, they are going to have the same jitters if this is turned down and I know, this is not going to be easy for Government, so don't think that we are just going to say we will have a referendum and that's going to be it. No, you all— and I say you all because I really don't know yet where I stand on the issue of this Motion; but those who are proposing it are going to have to go out and push for it, and what sense does it make? I don't know of any other way of me supporting something and I go behind some grape tree and say, *I'm for that, you know*, but you are not getting up in public and saying, *I am for this and I want this*.

The Government is going to have to do that, so I have concerns about time, about the setup and I know that the Government cannot say right off what they will set up, because you're going to the public to ask people to say yes or no. Maybe, maybe, [someone] will say to me, *you are not democratic, anyhow*. Maybe that's what they will say to me, but I know this, I got good common sense. I see many practical issues in this, but it won't be as easy as sitting in our Caucus and saying and debating it and then bringing the Motion here. The fight is when we go to the public. What then?

The Speaker: Honourable Member for Red Bay

Hon. Sir Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, could I pray the aid of one of the lecterns, I need something to lean up on.

[Laughter]

Hon. Sir Alden McLaughlin: I will be here a little while and I have no notes.

Madam Speaker, this House ought to listen to the wise counsel of the Member for West Bay West. Whatever else may be said of him, he is a wily old veteran of Cayman politics, the longest survivor ever.

[Inaudible interjection]

Hon. Sir Alden McLaughlin: I am going to start where he left off not because it had been my plan, but because I think that it is the point that the Premier has missed

entirely. It is political naiveté at its highest to believe that a Government can promote a referendum and take no side. You've got to have a side, the other side or as West Bayers say, *Jackie both sides*, but you have got to have a side.

How can a Government believe that it can promote a referendum, and when they are asked by the electorate, by their constituents, *Well, Mr. Premier, what do you think about it?*

Well, it is not really what I think about it, you know, it's what you think about it. I want you to tell me what you think about it.

But you are the one who know these things, big time lawyer and all like that. You the Premier.

I lived all of this, Madam Speaker.

In fact, Madam Speaker, the Constitution is set up in a way that allows the Government under section 69, to ask the House to resolve that there should be a referendum on a matter or matters of national importance but it also provides, under section 70, for a people-initiated referendum so that if it is the people who want or who believe that we ought to have a national lottery or that we ought to decriminalise the possession and consumption of small quantities of cannabis they can start a petition, and having reached the requisite number of electors' signatures, they can then present the petition to the Cabinet who are required constitutionally to then formulate a question that properly reflects what it is that the petitioners are asking the Government to do.

Madam Speaker, I have a little experience in that and shall I say that it is fraught with endless possibilities for the Government to stumble at some stage. The people-initiated Referendum which was initiated as a result of the cruise port issue resulted in at least two major court cases which went all the way to the Court of Appeal. Anybody see any cruise port start out there even though, ultimately, the Court of Appeal found that all of these challenges were without merit? Understand that any referendum Bill that we pass here is subject to judicial review and to scrutiny, so I come to my first problem with the Motion: It is far too imprecise.

Madam Speaker, maybe you can help with this. We were given a copy of the Motion some time ago as part of the Business Paper, but we have just recently been handed another— is there a difference? I can't perceive one or... There has been no change?

[Inaudible interjection]

Hon. Sir Alden McLaughlin: The one that was circulated to Members with the Business Paper— this one— and one just handed to us by the Parliamentary Page. All I am asking is if there has been any change, because I can't find one.

The Speaker: There have been no changes that I am aware of.

Hon. Sir Alden McLaughlin: Madam Speaker, section 69 entitled:

“Power to provide for a referendum

A law enacted by the Legislature may make provision to hold a referendum amongst persons registered as electors [that’s voters] in accordance with section 90, on a matter or matters of national importance, when so resolved by the majority of the elected members of the Parliament.”

Thus, Madam Speaker, I have no issue with the Government going about it in this manner, but experience has taught me and should teach us all, the need to set out what the question is carefully and precisely, to minimise the possibility of challenges down the road. Now, when the resolution seeks the following be declared matters of national importance:

- a. Whether a National Lottery should be introduced in the Cayman Islands.

My question is: Introduced by whom? Understand that section 69 does not place a positive duty on the Government to effect the result of a referendum brought under it. The Government is not bound by that resolution. Section 70, the people-initiated referendum, is different; the Government is bound by the result of that referendum if more than 50 per cent of the registered voters have voted in favour or against whatever the question is, so who is going to be responsible for introducing a national lottery in Cayman? The private sector? The Government? Who is going to regulate it?

These are matters that need to be made absolutely clear in the resolution, Madam Speaker, because it is from the resolution that the learned Attorney General and his team then have to formulate the question.

The second limb of the resolution:

- b. Whether the consumption and possession of small amounts of cannabis should be decriminalised.

What are small amounts of cannabis?

Madam Speaker, I am going to vote in favour of this Motion, so what I am saying is not... well, I should say of “a motion” in these general terms; so what I’m saying is [I am] not trying to argue against the Government going ahead with this, I am trying to do my duty as someone who has lived through these sorts of things and lost, even when we did our very best to get the details right.

As sure as I am standing here, there is going to be significant pushback. There is more likely than not going to be legal challenges to this Referendum going ahead. If any of us think that what you are hearing about the national identification thing, is anything to worry about, wait until this hits the headlines. Hence, at this stage we need to try to get this as right as we possibly can, and to minimise the opportunities for a challenge to be made.

Madam Speaker, the other bit that I am concerned about is this issue about decriminalisation of consumption and possession of small amounts of cannabis. What are we trying to achieve by using a nice word like “decriminalisation”? I was concerned to hear the Premier say that if you are caught with whatever we finally decide constitutes small quantities of cannabis, that there are still going to be consequences.

Madam Speaker, we need to call a spade a spade and not try to say a spade is a shovel, because if I want to buy some ganja—

[Inaudible interjection]

Hon. Sir Alden McLaughlin: Who am I going to buy it from? [There are] no shops that I know of, at least not proper storefront shops that you can go buy ganja.

[Laughter]

Hon. Sir Alden McLaughlin: Whether it’s small quantities or not, the sale of it will continue to be a criminal offence and if the police catch me smoking a spliff they are going to say, *Mr. McLaughlin, you know, at your age and station in life you really shouldn’t be doing that.*

[Laughter]

Hon. Sir Alden McLaughlin: *We’re going to give you an administrative fine. Seriously? Seriously, Madam Speaker?*

Madam Speaker, if we are asking the country to take a view on whether or not it is— what is the word I’m looking for— acceptable, to smoke a little bit of weed, then that’s the question we need to ask them to answer. You ask anyone out there who uses weed whether or not they will be happy with getting an administrative fine and a talking-to by the police for smoking weed, and see if they tell you, *Well, that will be okay.* If we are to be serious about this, and are asking the electorate to tell us whether or not it is acceptable to use small quantities of ganja, then we need to ask them the question and let them say yes or no.

Don’t talk about this concept of decriminalisation. I understand conceptually the difference, but as far as I am concerned, it is a difference without any real distinction. We don’t want to own up to the fact that we are saying, the Government believes that it is okay to have in possession and smoke small quantities of ganja. That’s the question we need to ask. Let the people say yes or no, but the Government is going to have to take a position on it, it is not going to be acceptable to tell people, *Well, I really don’t know, you know; I need you to tell me.*

[Inaudible interjection]

Hon. Sir Alden McLaughlin: I’m sorry?

[Inaudible interjection]

Hon. Sir Alden McLaughlin: My position on both of these is that I believe we should introduce a national lottery. I believe that the consumption and possession of small amounts of cannabis should not be an offence. I can tell you on my mother's and father's grave, I never took one smoke of ganja in my life. Now, don't ask me about whisky.

[Laughter]

Hon. Sir Alden McLaughlin: That's a different story.

I didn't reach this point overnight, Madam Speaker. Part of my education about this [came from] my two sons, one is now 30 and one is 27. Thankfully we got over that stage of life, but boy, we had some wars.

However, I know, I know, how young people think. I have listened to their arguments. I used to argue against it but I am a realist, I am a pragmatist, Madam Speaker, and I can tell you in my experience, smoking ganja doesn't make people behave no worse than drinking liquor. In fact, in my experience, it's the other way most of the time.

Thus, all I am saying to the Government is, the Premier boasts of not shirking from dealing with the serious issues, let's deal with them, let's put the proper questions there and see where we get to, but let's ask the questions carefully and precisely and the Government and the Premier— Mr. Premier, you are not going to get away with saying, *Boy, it is not really my opinion that matters, it's yours.*

When you become the Government, you have to take a position. You are bringing the Referendum, you are preparing the questions. [There are] no petitions out there, that I know about, asking for these things to be dealt with. The Government is bringing the referendum Motion and ultimately the Bill, [so] it needs to decide whether it's going to campaign yes or no in favour of each of the proposed questions.

Thank you, Madam Speaker.

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

The Honourable Deputy Leader of the Opposition.

Mr. Joseph X. Hew, Deputy Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, I won't be too long at all. My points on this and the questions that I received whilst moving about the community are pretty straightforward and I just want to add to what the honourable Member for Red Bay has just said, that if we leave this too vague, there're going to be more questions than answers in this Referendum.

Madam Speaker, on the national lottery, the number one question I get is: Where will the funds go? What will the funds be used for? I should say in the United States and many other Caribbean Islands where they have introduced lotteries, the funds went to either education or infrastructure or split between the two. I think people out there would like to know that before making a decision on this. If it is just going into general government revenue, I don't think it will receive as much support.

For me personally, the other side of it and that would be in the details, is that the value doesn't simply replace a Government budget item but it actually adds and enhances to that Government budget. I know in other countries that has been an issue, where the promise was made that it would go to education or be added to the education budget for instance, but what they did was actually replace the education budget and there was no tremendous increase as anticipated in that budget item.

The other point I want to raise, Madam Speaker, is I am not too sure, and I will say this, not too sure whether this proposal for a national lottery if that is a once a week or once a day lottery and/or combined with increased fines and penalties will replace a person's interest in playing the regional lotteries. I say that, Madam Speaker, [because] I just pulled up Supreme Ventures in Jamaica, one of the ones that are played locally. They have Cash Pot, Hot Pick, Pick 2, Pick 3, Pick 4, Lucky 5, Top Draw, Lotto, Super Lotto, Dollaz and Money Time. Those are all of the lottos available by Supreme Ventures Limited, the lottery provider in Jamaica. You can actually buy a lottery ticket almost every minute of the day and that is going to be very difficult for us to compete [with].

I have had suggestions as late as yesterday that perhaps the idea should be to licence a few centres that would actually sell these regional lotteries; how you gain revenue from that would have to be something you work out.

However, I am concerned that with the lack of the details, and I say this, persons out there— may vote or support something and at the end feel that they have not gotten what they supported. Then you may have those who may have supported it but do not feel as if they have enough information to make an informed decision or to take a decision one way or the other.

On the consumption and possession of small amounts of cannabis, I think the Honourable Member for Red Bay went into quite a bit of detail. The one thing I wanted to say is that again, what would the fines be? Decriminalising it or not having it on your police record would be one thing but if the fine remains, I think it is \$3,000 or three years in jail. That could be something that you can look [at], whether the fine remains \$3,000 on the first possession because I think that the law actually has where, if you are caught a second or third time the fine increases. It could be that if it remains, that the fine on your first offence or your ticket or however

they plan to do it, is \$3,000, and that's not really going to make much sense. It could also end up being that it's one that escalates if you are caught a second time or a third time.

I think it has to be approached similar to traffic tickets if that is what we are going to do. In other countries for instance, if you're speeding once you get a fine; for speeding twice, you've got a point system and by the third time you are then sent to driver's education (driver's ed.) and you have to attend an actual driver's ed. course because you have been caught three times. It may be that we have a graduating system for the consumption or possession of small amounts of cannabis where if you are caught two or three times you then have to attend counselling or classes to deal with your addiction.

I just wanted to raise those few points Madam Speaker and I thank you for the opportunity.

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

The honourable Elected Member for Cayman Brac West and Little Cayman.

Mr. Moses I. Kirkconnell, Elected Member for Cayman Brac West and Little Cayman: Thank you, Madam Speaker.

Madam Speaker, I rise just to make a few comments on Government Motion No. 3 of 2022-2023.

I believe that the outline which the Member for Red Bay gave of the preciseness of the question in the Referendum is extremely important. The elephant in the room is numbers, and I am not sure that addressing this [third] Whereas: there has been much debate for many years on the subject of introducing a national lottery; actually takes into account the numbers.

I say this to the Premier, to the mover, that if consideration and explanation on the wind up can be given, Government goes forward with this Referendum and at the end of the day there has still been no clear input on what this country feels about numbers, I believe an opportunity would have been missed.

Thank you, Madam Speaker for giving me the opportunity just to make that comment.

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

The Honourable Minister of Youth, Sports, Culture and Heritage.

Hon. Bernie A. Bush: Madam Speaker, thank you.

Madam Speaker, sitting in the Opposition a few times, I remember where we worked hand in hand with the government of the day. I'm starting to see, and hope and pray that this is something that seems to be possible, seeing the advice and guidance that has been given by the Opposition.

Madam Speaker, I am one of the Members who stood on a platform and spoke openly of this. I remember one incident in particular, I spoke about it at a

meeting and the next day one of my favourite church elders, I knew he hadn't been feeling well, I went to his house, Elder Rupert Ebanks, God bless his soul. I went to him and I said, before you hear the wrong thing—because at that time he was a little upset with me about something else—I want you to hear exactly what I said, and when I finished explaining what I had said the night before, Madam Speaker, he said, *that is foolishness*. In the back of my mind, I said yes, I really didn't expect much different because your age group is not seeing why we have to decriminalise and all of a sudden he said, *all the money and time and resources we have wasted, legalise it*. I was shocked, Madam Speaker, I went on and gave him my reasons why I felt that was many steps away.

Madam Speaker, there were a few reasons why I felt this move was necessary and why it has to go out to the public and we have to discuss this; there is more than one reason. The main thing that it started off with Madam Speaker, was too many of my young people going to get a job and because of a simple police record for a spliff they can't get a job, they can't.

I remember when I was 18 years old the greatest martial artist Cayman has ever seen was caught with a piece of a spliff they said was his because he dropped it in the sea. When he was 52 had a heart attack and couldn't get to go overseas because of something that happened when he was 19 years old, Madam Speaker.

Madam Speaker, I know bright young people who were "A" and "B" students through high school and can't go off to a university because somewhere along their way they made a simple mistake with a spliff. Too much of this has gone on for too long and that was my initial step in saying, let us see where we can go with this.

In doing my research, talking to many people who actually went on the boats, who watched stuff come in on the boats, gave me my second reason. That was, if we allowed someone to grow a few trees in their backyard; hence the less shipping in of big amounts of marijuana and that is where many of our guns and stuff are coming from that's affecting us in this country, Madam Speaker. Those were the reasons.

Madam Speaker, I do know research has shown that we cannot allow young people under the age of 18 and 19 to be freewheeling with this as well. There are pros and cons to everything but we have to finally get to the stage where we can discuss it, find what will benefit the people and the country in the long run, Madam Speaker.

To the Opposition, thank you for seeming to be at least wanting to get on the same page. This is the beginning of the steps that we need to take to help our people.

Madam Speaker, thank you very much.

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

The Honourable Deputy Premier.

Hon. Christopher S. Saunders, Deputy Premier:

Madam Speaker, I think between the Premier's comments, the comments from the Honourable Member for Red Bay and the comments from my ministerial colleague from West Bay North, I think the case has been made as to why we need to move forward with this.

One lesson I remember Madam Speaker, that I learned from the Honourable Member for Red Bay in my first term— I think he used the term or coined the phrase— to not “**let the perfect be the enemy of the good**” or something to that effect.

[Inaudible interjection]

Hon. Christopher S. Saunders, Deputy Premier: I got it right, thank you Sir. I told you I listen to you.

The thing about it is, Madam Speaker, within the Government's Strategic Policy Statement that we delivered in this honourable Parliament, we did say and I just want to quote it here— I didn't plan on really speaking on this Motion but I had to say something on it. This is the Government's position on at least one section of it, it is already clear in that regard and it has to deal with Broad Outcome 3 that speaks to “**providing solutions to improve the well-being of our people so they can achieve their full potential**”. Under Broad Outcome 3, Madam Speaker, in particular subsection (6) that states: “**Create greater employment opportunities for Caymanians**”. We said, in 6(h) “**reduce discrimination against young people in education and employment through decriminalisation of marijuana**”.

It is safe to say, Madam Speaker, that the Government's position in that regard was already clear in the Strategic Policy Statement. I can also say to you that without giving away the Government's position, I think, I would actually say all Members support the decriminalisation of marijuana because it is in our Strategic Policy Statement.

The thing about it is Madam Speaker, even though we agreed this in our Strategic Policy Statement (SPS) as something that the Government would do, and there are some Members within this honourable House who campaigned on decriminalisation of marijuana, we still think that a major decision such as that, is one that needs to be taken to the people and ultimately, whatever the people do decide is what we in this House will have to accept because at the end of the day, this is still a democracy and a democracy where majority rules.

Now I can say to anyone that for me on this side I will be campaigning to decriminalise marijuana. Everyone, Madam Speaker, has their own vices and for me, I can tell anyone it is... Well, I am not getting into my vices on this Floor but I can guarantee it's not marijuana or whisky, but what I can say is that young people will sometimes make bad choices and what we can't do

is allow those bad choices to pretty much haunt them for the rest of their lives.

I can tell you at the end of the day, I don't smoke; no one in my household smokes. As a matter of fact, I can't think of any of my family members who actually smoke; it's something I consider to be unhealthy but that's my personal position on it.

What I can say is that I also won't be going out there and promoting anyone to use marijuana because I think at the end of the day, there are still negative effects of it; just like anything else if you abuse it there will be negative effects but that is not my place to do.

What this Motion is about is recognising that there are people in our community who for one reason or the other use marijuana on a recreational basis. I have many friends who actually do and they have messaged me since the Honourable Premier has spoken, to say they are very happy to see that the Government is actually doing this and that they will be going out to campaign for that and I respect that; that is their will.

We have seen it in other countries where it's been done and just recently, US President Biden, I think, expunged or cleared the records of everyone at the federal level who had convictions for marijuana. Granted most of those aren't at the federal level, most of it is actually the state level but nonetheless you see the US even going in that direction and the UK and elsewhere.

Again, it is not something I personally condone; I don't smoke and I won't tell anyone to go out there and smoke but at the end of the day, recognising that people make those choices— and some people, like with everything else, we are the first in this Christian community to say yes, we are all sinners, but we are saved by grace that's the reason why we have our salvation— we also have to give people an opportunity to not let things haunt them.

In that regard, I can tell anyone that I have seen too many lives destroyed for very small amounts of ganja. People, as my colleague from West Bay North, Minister Bush said, can't go overseas, can't get a clean police record, can't attend university, can't even get a waiver, all different kinds of things to stop them from certain opportunities and again, for mistakes or perceived mistakes that they would have made at a younger age.

From that standpoint, I am supportive of it.

In terms of the issue of a national lottery, the truth of the matter is Madam Speaker, earlier this year, my colleague Minister Turner for Prospect, attended a funeral of a former prison officer who had been unfortunately killed at one of those places that are well known for number selling. While many of us for years have turned a blind eye to the number game, it was one thing when it was just— was it Honduras on Sundays and Belize during the week, where \$15 on a Sunday will get you \$1,000 or something like that and during the week \$20 would make you win \$1,000 or something to that effect.

The truth of the matter is that numbers—

[Inaudible interjection]

Hon. Christopher S. Saunders, Deputy Premier: Oh yeah, listen I can tell you, I have many friends and I do know family members who purchase numbers, I'm definitely not calling your name don't worry about that but— it has become an acceptable way of life to some extent but what we have seen especially now,— what I am going to say and some people may not like it— these numbers that are running four, five, six, ten times a day popping up now. It has become a point where we can no longer ignore it. I mean there used to be a rule on the street if you see a double play on a Sunday you know somebody will get robbed because somebody normally would hit the number man big and now you're seeing all of these robbery reports showing up now, places being robbed at all hours of the night and morning, people being relieved of cash all hours of [the] night.

It has gotten to a point right now where this is now pushing crime up in this country and in most cases many people who are robbed from earnings from numbers can't even report it to the police because they themselves are also engaging in illegal activity. Thus, it has become a point now Madam Speaker, that we can no longer sit in this Parliament and allow this to continue to grow without some form of regulation or some kind of involvement by us. It has now become a beast that has escaped us. We have turned a blind eye for it and we have watched it grow and grow and grow to the point now where we need to do something about it or shut up. Either we enforce the current laws that we have or we basically find a way to better regulate it, but something has to be done. Leaving it alone is not something that we can now prepare to do.

I am kind of really guarding what I say, recognising that for my constitutional responsibility from CBC there are some things that I would be aware of that would not be in the public domain and I am trying to make sure I don't cross over into anything that I shouldn't cross into.

What I can honestly say from where I sit and from what I've seen, this is now something that needs to be dealt with, but we have also recognised it has to some extent become a part of the fabric of our community where there are members within our community who have become dependent on it also. Thus, now we need to sit down and make the decision, if we want to do it, regulate it properly.

We have a number of guys, I mean, I know some sellers where the commission is actually 40 per cent I think, and some of these guys are making \$10,000 a week in commission. They can't sit down and bank this money, they can't carry it anywhere, they can't even hire proper security, they can't do anything and anyone who is looking for a quick hit or a quick

dollar knows exactly where these number places are and they are going.

At some point now Madam Speaker, we need to either put up or shut up and deal with this beast once and for all, and if money is going to be made from it, and many people clearly have gotten rich from it, then it's only fair that the public itself or the Government itself, whoever it is, actually gets something from it.

Now, I can tell anyone, I will be campaigning for the national lottery. I will be telling people to vote for it because at the end of the day, I think it's something that is needed and I think we can actually raise some revenues from it and even give us an opportunity to lower tariffs and other fees that we can make elsewhere but the amount of money that is being made and spent on this business has become obscene. It has created another underground economy that needs to be dealt with.

From this standpoint, I do recognise that the Motion itself does not answer certain questions. I am curious too as to the quantities of ganja that would be allowed, and in terms of a national lottery [if] it's something that the Government should operate or the private sector, but either way it's something that will have to be regulated.

I want to thank the Member for Red Bay at least, for also stating his position in terms of working— well, I got the impression he was willing to work— with the Government in order to make sure we get the Motion right and also by extension the referendum Bill when it comes, to make sure we have very little legal challenges and at the end of the day, the will of the people can be determined from this exercise.

Overall Madam Speaker, I really want to thank my colleagues for making the decision to say, you know what, once and for all we need to deal with this issue. I think it's an opportunity, especially the national lottery, to create many young Caymanian entrepreneurs. Many of us travel to the [United] States, we see the gas stations, we see the machines right there, we see when those people do win those billion and million dollar tickets; we see how much the seller gets also.

There are opportunities out there and if we are going to do it, let us do it right and let us do it where our people can also benefit from it and people can also be protected from it because at the end of the day, like I said, we have all heard the stories of whose bank is \$2 million dollars and everything else out there. At some point we just need to deal with this issue and I suspect that if the numbers are right for the number of people who actually do buy, it should pass, especially on the national lottery side.

Madam Speaker, I just want to thank my colleagues and thank the Members opposite at least for their tacit support in at least trying to find some way to move forward on this. I know that some of the Members on that side also sit on the National Security Council, so they themselves would have seen some of the briefings that we saw with regard to the true nature of what

we are dealing with. Hence, I am not surprised that they too in their own unique way will try to find a way for us to once and for all, deal with this. It is now becoming an issue where too many criminal elements are involved with it.

Madam Speaker, I have said my piece and I thank you all.

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

The Honourable Minister of Tourism and Transport.

Hon. Kenneth V. Bryan: Madam Speaker, thank you for allowing me this privilege to contribute to this discussion on the Government's Motion with respect to a national referendum on a national lottery as well as the decriminalisation of small amounts of marijuana, legally known as cannabis, and consumption.

Madam Speaker, I only rise to acknowledge some of the positions by the Opposition as well as by all Members here because it seems that most Members are in support of, at the very least, the general attempt of this Motion.

Madam Speaker, there seems to be some differences of views with respect to how it should have been done and I thank the Honourable Sir Alden McLaughlin, the Representative for Red Bay— I apologise, I shouldn't have said his name but the Honourable Elected Member for Red Bay— for his input on what I perceive to be an attempt to help the Government to ensure that there are no hurdles in the way and in our attempt. Therefore, I am minded or very welcoming of any suggestions by the Opposition for places of amendments to this Motion so we do not have those proposed problems that were highlighted.

Madam Speaker, I'd also say that we have the Honourable Attorney General who is here to guide the Government on the best ways to carry out the intent of the Government.

Madam Speaker, that takes me to the next point of timing and why there were some questions with respect to: why did we change around the Order Paper today? Madam Speaker, I think the [Honourable] Premier was quite clear to say that both this Motion and the Gambling (Amendment) Bill, 2022 are related, hence the reason for doing so.

The timing Madam Speaker, is to try to give the public an understanding that we respect their viewpoints and want to hear their input with respect to this very sensitive topic because we know that there is a Bill coming which proposes to increase the penalties surrounding the activity which is illegal with respect to the numbers game; some people call it the lottery. You hear the differences of terminology thrown back and forth but ultimately Madam Speaker, it's a game of chance with respect to a number being randomly selected and you take the risk by a certain number of odds to do so.

Madam Speaker, the timing is because we recognise that there is a Bill before the House to increase those penalties based on advice to us that the market or the environment of numbers is getting very serious. There is no question about that, I don't think anybody in this House would not agree with that position, so we were advised from a security perspective that something had to change.

Madam Speaker, the reason why the Government decided to have this Motion is because though we recognise the severity and the seriousness of the criminality surrounding this area, we also know that the input of the people of these Cayman Islands is just as important with respect to this topic. Madam Speaker, I think it would be inappropriate if we do not talk to the people about something that is almost practically accepted by them before implementing harsher penalties which is the common practice to be a deterrent for any criminal activity.

Madam Speaker, I don't want to run afoul of the Standing Orders by talking about a Bill that is not before us yet but is intended to come next; but the reason why we put them close together is because there is some overlap, so to speak. That's why we are trying to accomplish this to say to the people what we all recognise, there is a serious problem going on. An activity that has been left to its own devices with a piece of legislation that is archaic and an appetite by the people of acceptance, an appetite of turning a blind eye to it, and now a dark force has entered into that environment.

Now it's time to do something, but this Government wants to say, before we do that, before we start to further criminalise people for something that they may already have an acceptance of, or willingness or have the appetite to allow to be legal, why don't we ask them first? Madam Speaker, the Honourable Premier will explain that process to you in his wrap up, or potentially in his contribution to the Gambling (Amendment) Bill, 2022.

[Inaudible interjection]

Hon. Kenneth V. Bryan: I hear the Honourable Member for Red Bay asking if we are withdrawing the Gambling (Amendment) Bill, 2022, but there has been no indication as to that.

[Inaudible interjection]

Hon. Kenneth V. Bryan: Madam Speaker, in the attempt to address this issue...

Madam Speaker, I apologise that I'm going off track here. The Honourable Member for Red Bay is misleading my mind and trying to get me off course, but I am going to try not to fall for the trap.

Madam Speaker, in the effort to do what we said we would do for the people, we wanted to be a Government that hears from the people and allows people to have their say in very serious matters. I think

we could be doing much more, but that's the whole point of this Motion for a referendum.

Madam Speaker, I am certain that everyone in this honourable House has passed the signs in my constituency that already ask my people what their thoughts are [per] the formulation of the wording within this current Motion presented. The purpose of that Madam Speaker, was to spark the discussion; so [that] people within their organisations, their homes, their churches, their family functions, or cooler-talk at work, whatever, [can] start to discuss the pros and cons, because that's the way we want to operate within this Administration, listening to the people.

Madam Speaker, I went as far as even sending the question to my constituents because that's how I operate with respect to my constituency when things of this sensitive nature come up. Just to give you an idea of how diverse the responses are on these two matters, I compiled 25 responses from my constituents— and I got many more, Madam Speaker, as a matter of fact, I got hundreds and hundreds of responses. I think close to 40 per cent of my voter base, but obviously I am not going to read all of them. I just thought that these responses gave a diversity of the viewpoints.

[Inaudible interjection]

Hon. Kenneth V. Bryan: I think these comments give a diversity of viewpoints with respect to it.

Madam Speaker, the question that I sent out said:

- a. Should a national lottery be introduced in the Cayman Islands; and
- b. Should the consumption and possession of small amounts of cannabis be decriminalised

Response number one says: *I'd say, No, to lottery and Yes, to cannabis and decriminalisation. There is a potential for more persons with addictive personalities to spend more on lottery tickets than they can afford. The reality is that very few persons are going to win the lottery, and studies show that the majority of lottery winners don't hold on to their winnings for very long before they spend it all. It doesn't create lasting wealth, whereas most people spend money on tickets while they would have been better off saving their disposable income.* So you get a viewpoint there. Obviously one not necessarily in favour, but they're in favour of cannabis, so you can see where the interesting point is, that they're not all Yes or all No.

Answer number two: *Cannabis should be decriminalised. We have legal substances such as tobacco and alcohol which are more dangerous. Alcohol and tobacco are associated with increased deaths from road traffic accidents and cancer; marijuana doesn't carry risks anywhere near as dangerous or deadly.*

Comment number three, Madam Speaker: *Yes and yes. When they said yes and yes, it was Yes to both questions. These things are and have been illegal for decades but yet, they are still happening. People buy numbers and cannabis daily in the Cayman Islands.*

Answer number four: *(a) Yes to a national lottery, it should be introduced; and (b) No to cannabis.*

Answer number five: *(a) Yes... which is to the introduction of a national lottery; and (b) Initial thought is No, but not saying that I cannot be convinced otherwise, so basically, I have to flip-flop on this one— so you can see the opportunity for discussion and information, pros and cons, to where people are starting to think.*

Answer number six: *(a) Yes... which is to a national lottery. Government tax the proceeds and use it for infrastructure development like other countries— roads and schools and health. With respect to answer (b) Yes, more and more countries globally decriminalised it for personal and medical use, just put controls around it.*

Another comment from somebody, number seven: *I'm sure that this is a very hot topic, the person said. But it is evident that the rest of the world has moved on like other Caribbean countries. Everything certainly depends on [how] stringent the laws to govern these two areas [will be]; depends on how stringent the laws will be, whether I will agree or not. The laws must be beneficial to increase the income to our country, and strict enough that it doesn't destroy our country either.*

Answer number eight: *Yes, Kenneth, it's about time for the lottery. All the churches are gambling too, and selling tickets for different things: cars and trips and different things. So I say go for it. Religion has got this island ruined and others pass on. I don't agree with that one, religion hasn't ruined the island, but that is a viewpoint of one of my constituents, so I have to respect it.*

Number nine: *My opinion is that cannabis should be accepted because it is helpful to some people, if you don't overdo it. My opinion is I would not say, Yes to a national lottery in the Cayman Islands.*

Answer 10: *Yes, yes. Simple as that. No hesitation, no questions, no thoughts: yes, yes. You can tell that some people are simply convinced.*

Madam Speaker, number 11. Answer for (a), *If churches and nightclubs and some organisations are allowed to hold raffles then... What is a raffle? A glorified name for lottery. Simple.* Answer to B: *We have long passed the age of British penalisation. Most of Europe and parts of the US have adopted these changes years ago. Likewise, the West Indies' draconian measures are a thing of the past, Kenneth. Cayman needs to wake up. Man up! Man cannot change time, time shall change man.* I love my constituents so much, because they always keep me on my toes.

Answer Number 12: *The lottery, I think not; a lot of families will go hungry when they lose all of their money when you go gamble and want to try a little*

thing. Oh boy, I love my constituents so much. *You win this based on the Christian country, we hath founded it upon the seas after all on these topics*, so this person doesn't seem to be in favour of either one.

Answer number 13: *Yes, but do studies on countries with small-sized populations with lotteries to see how effective there [sic] has been done for them; and (b) Yes, and wipe records of all people who have been incarcerated for small amounts of marijuana and criminal records.* Interesting point; we can help many young men who have had a police record already.

Madam Speaker, I want to pause there for a second because the Honourable Member for Red Bay said something while my other colleagues were speaking, and he made a relevant point: It is not only about the records today for jobs in Cayman, but once you put that record down, you can't leave Cayman, and Madam Speaker, believe it or not, I can speak from personal experience. I know that the Opposition was waiting ever so much to find out whether or not I had a visa, to travel as the Minister of Tourism. I heard the whispers.

I had to sneak and hide that I didn't have my visa yet. Luckily, when I became the Minister of Tourism we were in the pandemic and it was a good reason to hide it and say, *Well, boy, we don't gah go nowhere*, while my Honourable Premier, as the great leader that he is, worked behind the scenes with the Deputy Governor to get me to Jamaica, to get my visa sorted out because what an embarrassment it would be as the Minister of Tourism and can't travel through United States. It made me sad for many, many, months because I was unsure if I would get it; and I want to thank the Deputy Governor and the Governor's Office for assisting me with that, because today I can happily say I'm proudly representing Cayman Islands, promoting the tourism product.

However my point is, Madam Speaker, that I have the luxury of a whole government, and the Governor, Deputy Governor and the Premier behind me. Many of my young Caymanians don't have that luxury where they can call the right people to get the appointment done or even to say, *Well boy, you know, there're diplomatic elements here, he is a Minister of a country.* They will go: *I don't know who this young man or young woman is from Cayman; they smoke marijuana, we're not letting them in!* That's what our young people have to face. You know, they could miss the opportunity for school; even worse than that, if they had to travel out of this country for a lifesaving procedure and they said, *Sorry, you can't get on the plane.*

Is that not just as serious as the criminality surrounding the area of marijuana? I say it is, but again, I think the people should have their say; and I will address the Honourable Member for Red Bay's point about Government has to take a position. I will do that shortly.

Going on to the next one, 14: The answer was, *Yes, I believe it could potentially have a very good source of revenue for the country. The answer to (b) I*

support decriminalisation, it will allow us to treat individuals' drug use as a health and a social issue, instead of a legal issue. Interesting point.

Number 15: *Not sure, sir. Important viewpoint, though. That's why it is good to have these debates.*

Madam Speaker, you see what I do in my community, in my constituency? I make them talk. They might not like it because, you know, some of them said, *Kenneth so what happened now, you like gambling or what?* I said, *No, ma'am, I just want you to start thinking about it because it's a topic for discussion;* and another one said, *So you are promoting smoking marijuana?* And this goes back to the point I was just highlighting with the Honourable Member for Red Bay.

They are saying that the Government has to take a position. I disagree, Madam Speaker. The Government does not have to ask the people what their position is by taking a position, and I think that's why this side is in control today, because we believe in the independent viewpoint of the people, we don't have to persuade them either way. You have heard some Members say they will be convincing people to do so, I don't think it is necessary for me to do that. I think that, just by the mere fact of bringing up the topic, allowing the discussion, allowing the opportunity to have a vote, people are thereby forced to think.

You *gah* go there and vote about something, you're going to go in and just vote Yes or No to something you haven't thought about? No! People are going to do what they naturally do, go: *Minister, what do you think about this gambling thing, what do you think about the marijuana thing?* They're going to talk and then they're going to ask people who they respect. They're going to come to the Honourable Speaker in West Bay and say, *Madam Speaker, you know, I think that the marijuana thing may be good because you know the kids, you don't want to mess them up, but I am not sure if there is any negative stuff.* Then you can say, *well here's some good, here's some bad. What are your thoughts?*

That's what democracy is and I'm certain, Madam Speaker, that there are going to be people in the community who have their positions and there will be discussions publicly. I can give you one prime example, Madam Speaker. I am certain— well, I am not sure if I can say certain anymore, because he is a board member now— but a former Member of this Parliament, the honourable Gilbert Mclean was a major proponent for national lottery. He talked about it publicly on the radio. I think, he might even have had a meeting or two, I stand to be corrected on that; but I can see someone who is in support of it organising media campaigns, prose for a national campaign.

I can also see the flip side of that, Madam Speaker, whereby you have the church's viewpoint on what the Good Book says with respect to gambling, and I am certain that the Ministers' Association will put out a statement on their position so there are going to be many sources of information for the people to think on

and come to a conclusion. You will have the National Drug Council come back and give studies on the radio talking about how marijuana affects the mind or whether it should be for young people or should we wait until they are old enough— over the age of 18 or over the age of 21— based on the medical effects on the body, so we don't have to persuade them one way or the other.

Matter of fact, what we are trying to do Madam Speaker, is respect the democracy of this country, whereby the majority rules. That's the intent of this Motion, [what it] is trying to do, so I don't agree with the viewpoint that we have to take a position. If each Member wants to do it in secret, there is no problem with that, everyone has their own viewpoint because guess what? Each one of us in this honourable House is a voter— I hope everyone in here is registered. Ms. Heather, you are registered?

[Inaudible interjection]

Hon. Kenneth V. Bryan: Absolutely, she says.

Madam Speaker, let me continue on with these answers, because I want to go into other areas and topics.

Answer number 16 to the first part of the question says: *Let's be real. There are already multiple lotteries in the Cayman Islands, so I say yes, a national lottery should be implemented that would be to the benefit of the people of the Cayman Islands. The funds could be used for education, mental health care, drug rehabilitation, and some other worthwhile projects.* With respect to (b) which deals with marijuana, it says, *the consumption of cannabis for recreational purposes should be decriminalised for anyone over the age of 17 years old. For an adult, cannabis is less harmful than alcohol, yet alcohol is legal.* Interesting point.

The quality of cannabis being sold could be monitored... That's a very complicated system that we would have to implement for that, if you want to monitor the quality of it; like the Honourable Member for Red Bay said, *Well, where are they going to get it from?* So there's much to think about here. *The cannabis being sold could be monitored if issued from a licenced dispensary, which would reduce the number of bad batches—* I do not know what a bad batch is.

[Laughter]

Hon. Kenneth V. Bryan: I guess this is in that terminology.

The major issue is that cannabis/marijuana/ganja, whatever you want to call it, is being given to our children in schools. Their brains are not fully developed, and marijuana usage could cause developmental issues. The issue will remain, even if cannabis is decriminalised. More efforts need to be placed on preventing drug, not just ganja, dealing within our schools for our kids.

Madam Speaker, I am not going to go through all 25 because we are going to be here all day, but you get the point. The point is that the people have views. They are not stupid to this. This topic has been around from... At least as long as I have been alive and I'm 42 years old, Madam Speaker. From as long as I started to understand what ganja was, and I think I must have been about eight or so before I understood what the senior guys in the community were talking about when they said ganja. I said, *Oh that is that stink thing that you smell when you're down by a certain area.* If you take away seven from forty-two it gives you thirty-five, so at least 35 years they have been talking about this matter, right, so it's time for us to finally make the people have their say.

Madam Speaker, I want to deal with another component of this Motion. I think it's important for us to get direction from the people on the national lottery because you heard me say that the Christian community may have a viewpoint on this, and some of it was reflected in those comments about raffles compared to gambling. I must say, Madam Speaker, I am kind of in agreement. I was not a Member of Parliament when this law was made, or the last change to it, but I do see where a person can come to the conclusion as per the definitions within the Gambling Act (2016 Revision). Madam Speaker, let me explain what I mean by that.

It says in the definitions: **“‘lottery’ includes any game, method or device whereby money or money's worth is distributed or allotted in any manner depending upon, or to be determined by chance or lot, held, drawn, exercised or managed whether within the Islands, or in any country or place outside the Islands”**. That's the definition of lottery. The ones that I have issue with, and I think I have said it in this honourable House before, are gambling and raffles.

Now you tell me, Madam Speaker, because I know the common person can't tell the difference, but I think the legal minds say that there is a fundamental difference and this is where we have much criticism of the law and the Government from the people. It says: **“‘gambling’ means to play [at] any game, whether of skill or chance, for money or money's worth”**. That's gambling.

“‘Raffle’ means the sale of numbered tickets one or more of which is drawn at random for the awarding of a prize”.

Madam Speaker, I am certain if you ask a Christian, they're going to say they are the same thing. How do they say... *A horse of a different colour*, or how does it go?

[Inaudible interjection]

Hon. Kenneth V. Bryan: *Same dog puppy.* Thank you, Madam Minister. *Same dog puppy*, that's what they say. I am not saying that the law is wrong, you know, I am not a lawyer. This is done by professionals who

understand *legalese* and the interpretation of it, for the judges to interpret whether gambling and raffling are two different things. Now, obviously that must be the case because we have it within our laws, but if the people believe that they are the same thing, and we are allowing the raffling but we want to penalise the gambling which is the local lotteries, you see how the people's viewpoint of us is [that we are] hypocritical. I am not sure Madam Speaker, whether I want to say if I agree, but there is a high chance...

I think they might be on to something there. I think they might be on to something. How can you say it is okay to have a chance to win a substantial amount of value for a good cause, but it is not okay and you can go to prison because you want to do it for your own reasons or you want to get the monies to buy food for your children?

To buy food for the children, and that's what some of my people tell me. Whether we like it or not, I've heard my constituents say, *Ken, if I never buy a little three dollars' worth, I would not have had enough money to go to Foster's*. Puts me between a rock and a hard place because I am basically trying to say to my people, that is illegal, you can get arrested; I don't want you to get in trouble. It is a bit of an issue, Madam Speaker. An issue that we need to rectify. If the Referendum will do one major thing, is to quantify the value and viewpoint of our people. We have not, at least in a very long time since this Gambling Act came into play—forgive me, Madam Speaker.

Madam Speaker, I believe the Gambling Bill was created in the 60s, that would be almost 80 years ago.

[Inaudible interjection]

Hon. Kenneth V. Bryan: No, no, sorry, 60. Sorry, my numbers are off bad today; 60 years ago. Then an amendment in 2017 is where those definitions came in but the substantial law and the penalties around it have not changed in that time when the amendments happened in 2016. That's why we have situations today where a person [who] is caught with a ticket gets charged \$10 and people go, *Well, that nah no money*, so they take the risk to do it right, *that nah no penalty*. Hence the reason we were advised by those who give us advice on security matters that we are supposed to increase it, hence the Bill but...

I lost my frame of mind there Madam Speaker, but... Oh, I got it back. Got it back quick as that. It went out and came right back in, Madam Speaker. Wi-Fi connection came out.

[Inaudible interjection and laughter]

Hon. Kenneth V. Bryan: I was buffering.

Madam Speaker, the reason I pointed that out is, the last time we have had any true, quantified view of our people, was when the Bill was created in 1960,

so we as legislators have no idea how the people feel about this matter. We come in here with our subjective views—that one from down there says, *boy they say it should be legal*. That one over there says, *no, no they can't do it down there*. All of us going on our personal feelings, and that's not what the PACT [Government] is about, Madam Speaker.

As a matter of fact, let's forget about that. Let's just say for a minute we weren't going to ask the people any questions. I wonder if we recall our SPS.

[Inaudible interjection]

Hon. Kenneth V. Bryan: You said something like that? Okay, my Honourable Deputy Premier has highlighted, but for emphasis sake, in Broad Outcome 3 on page 52 of the Government's Strategic Policy, which was delivered just over a year ago, under 6(h) it says, "**reduce the decriminalisation [sic] against young people in education and employment through decriminalisation of marijuana**". Madam Speaker, what we are saying is—which the Opposition has disappeared from the debate, I guess I am that good that they don't have to worry about what I am saying or they just don't like what I'm talking about, I don't know.

Either way, they saw the Government's Strategic Policy Statement, they saw that line in here so I suspect, by them not saying anything they're doubling down, as they did today, to say they are in support, and I am thankful for them for understanding what the Government's intent is. However, though we say we would like to address this because we think this is a way to do it, it's still the people's choice because Madam Speaker, maybe you haven't heard this part yet. The Government is of the view that if the people come back by way of majority to say, *No*, to any one of these topics, then we will do nothing about those, but more so, [we will] double down to make sure that they continue to be illegal. Now that is the people's choice. That's what democracy is, Madam Speaker.

Madam Speaker, as I wrap up, I want to say something about our Honourable Premier.

We had a couple of fights over the last week in respect of this Gambling (Amendment) Bill, 2022 and the Motion that's coming up [sic] and, honest to God, I'm not sure how he never strangled me during those things; he's a very patient person, I hope I can learn some of it. I don't have a high level of patience so maybe that's why he is the Premier, but for him to come here and fight for something that I know that many of the people who support him will go, *Premier Panton, how could you be there supporting this inappropriate behaviour about gambling or weed?* I know he must get so many people calling him and messaging him about that but he understood that the Government that he leads wants the people to have their say.

He didn't have to agree as the Premier to accept and go out there and have this difficult conversation about a national lottery or marijuana at a time when

the people are saying— you know what my comments were and I know he gets it— *man, you sending me a message about marijuana and gambling and I here starving to death and the cost of living going up and that's what you're talking to me about?* I know he gets it, so I give him credit for still holding fast rather than saying Ministers, Parliamentary Secretaries, Members of my team, this is not a top priority right now.

I see the Honourable Deputy Premier has highlighted a very good point which is what we are doing. You must be able to walk and chew gum at the same time. We are not saying that those other problems are not top priorities for us; they are. It hurts us Madam Speaker, when we know that the cost of living is so high. [Sometimes] I feel like going up to the United States and talk to the President and say, what are you doing about the inflation because when you sneeze I catch a flu, I catch corona.

However, there is only so much we can do and we are doing as much as we possibly can. Daily, I am begging the Hon. Christopher Saunders, can we get a little bit more money to give away; give me a little bit more money to give back to the people. He said listen, *we have to manage the money right*; so we're trying to do that.

Getting back to the Honourable Premier, I want to thank him for being committed to that because the Governor who is responsible for security asked us to look at this matter in respect of the illegal behaviour around numbers. I want to take this opportunity to tell the family members of those persons who have been affected or have lost a loved one due to crime surrounding this, how horrible the Government feels that you have gone through that and we will continue to pray for you, to give you strength to be able to live with that loss or that experience.

We recognise it is a problem; so we can't just leave it the way it is Madam Speaker, it is either the people say we're going to legalise this lottery and then give those who are involved or who wish to be involved by selling numbers, whether they want to have a permit to do it, whether we licence premises to sell the numbers, at least they will be awarded all the security measures that are needed to keep themselves and other lives safe. For example, Madam Speaker, when a person sells numbers illegally, they don't get the luxury of calling a Brinks truck to come pick up the money. They don't get the luxury of having a security guard on duty to keep them safe or at least legal security.

The Speaker: Honourable Member, I have received notice that it is the wish of Members that the business of the House continues beyond the hour of 4:30 p.m. Can I have a motion for the suspension of the Standing Order?

Suspension of Standing order 10(2)

The Premier, Hon. G. Wayne Panton: Madam Speaker, thank you.

I move the suspension of Standing Order 10(2) to allow the business of the House to continue beyond 4:30pm.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: The Honourable Minister of Tourism and Transport, you may continue.

Hon. Kenneth V. Bryan: Thank you, Madam Speaker.

I was talking about the current state of play with people who sell illegal numbers and why they are targeted. It's because [of] the inability to use the provisions available to any other business in the Cayman Islands to protect themselves from opportunists.

Madam Speaker, though people rob, there's a particular reason why they are robbing the numbers man and as I was alluding to before the break, that is because the security measures awarded to the average person who does something legally, is not awarded to those done illegally. For example, you don't have a security guard, at least a legal security guard to protect you; you don't have the ability to use camera footage to catch a criminal, you don't have the ability to have a Brinks truck come and pick up your money, you don't have the ability to deposit your earnings or the amounts that you collect into a legitimate bank account. You're always at risk because you have to compile it in raw cash because you can't, what they call in the financial industry, "wash it", you can't legally put it into the system so they become vulnerable and the criminals are smart and they know that when they come to you, you can't say anything because you're admitting to a crime yourself.

Madam Speaker, what the opportunity of having that legalised does is potentially reduce the probabilities of criminality. For example, that same numbers person who is selling the numbers in the corner gets a licence from government, pays a fee for it, a percentage of the revenues they make goes to health care or housing, to our senior citizens and their health care programmes or pension or kids school fees or whatever [is decided].

That person then gets the opportunity to be in a legitimate business. They can advertise that 'tickets are sold here', they can have a security guard on duty, they can report the crime if they were to ever be robbed and give a statement to the police without fear of being

penalised; they can deposit their money into a legal account where it will not be considered proceeds of a crime. They will also have the ability to have a Brinks truck come and pick the money up just like a restaurant selling food or a shoe shop that sells their products, just like any supermarket on island.

Madam Speaker, there is an opportunity here to resolve the criminality surrounding the numbers game. That's the emphasis of the timing that the Opposition was talking about, what's the problem with the timing? The problem is we need to figure out a way to reduce the crime, the loss of life that surrounds this very sensitive topic Madam Speaker, and there are two ways to do it. One, we can legalise it, award all the security measures available for those who are involved in it, that it doesn't become attractive to criminals anymore or we can increase the penalties surrounding it that those who are involved in it are afraid to be involved.

Madam Speaker, I dare say, I don't think that's going to happen. I believe that the appetite for the numbers game or our national lottery is so high in this country because of 60 years of not talking to the people about it and because we have turned our eyes and noses about this behaviour for so long that you get allegations of the Royal Cayman Islands Police Service members buying numbers; that you could not potentially reduce the demand for this behaviour by simply increasing the penalties.

If you say Madam Speaker, if you buy a ticket you've got to get \$2,500 in a fine. The question is, you still need to catch them.

[Inaudible interjection]

Hon. Kenneth V. Bryan: My good colleague just advised me that's only \$45 worth of a ticket and you can cover your ticket price if you are caught by the police.

Madam Speaker, I haven't highlighted the fact that if we were to legalise the national lottery, if a person is caught, they won't have a criminal record.

Madam Speaker, I have a situation right now, where someone who is dear to me in my constituency has a little criminal record for buying one \$10 ticket. She needed to go to the [United] States, so I reached out to the Honourable Deputy Governor [to ask], is there anywhere within the expungement law *[sic]* for this to be expunged? He called me back and said, *sorry Minister, the law doesn't allow*. I felt so terrible to tell her because of something that could potentially be perceived in her mind. Someone goes to buy a raffle for non-profit, what she sees as exactly the same thing, buys it every day, promoted on the radios and in newspapers; to do that, but she can't go away to leave this country with her children because she has a \$10 ticket. What am I supposed to say to her, Madam Speaker?

[Inaudible interjection]

Hon. Kenneth V. Bryan: She didn't go because she couldn't go; the law didn't allow. These are the types of things that the people are talking about.

Madam Speaker, is this Motion formulated in the best way possible? Maybe not, but the thing that the Premier highlighted was that this was a general position; that the details that the Opposition spoke about as in what the definition of small amounts mean, will come in a substantial Bill that will go for a referendum. The Premier clearly said that, I heard him. Did anyone else hear him say it?

[Inaudible interjection]

Hon. Kenneth V. Bryan: I heard him. He highlighted the fact that it is not in detail and the detail will come with the written Bill that actually specifies what the question is and what the definitions are in the Bill, so there is no need for all of that full detail at this time. Granted, the Opposition has a good point as there is a lot more to think about in respect of this. I agree with them and I accept that, I thank them for highlighting that because we are in this together as a parliament to talk about this topic. However, what we will have to do in this moment is agree that we will develop something that we think is feasible for the people to vote on within a sentence structure to say, this is what you would get and here is the question, yes or no for these two topics.

What it also has allowed Madam Speaker, is the public is already talking about it. I am certain that the Opposition, its Leader, the Premier, his Government, his Ministers the Parliamentary Secretary and the Civil Service arm will be bombarded with viewpoints of what offering should be available in the country.

I am certain that the research has already been started for the potential of these things coming into fruition, whether that may be decriminalisation of small amounts of marijuana. What is the common definition of small amounts in any one of these other jurisdictions? I am certain that there is legal statute in a Commonwealth country somewhere where there is a legal argument as to what is considered to be a small amount that we can put within the Bill. [Besides] I am quite sure there is going to be loads of information provided to all Members about what kind of national lottery could be effective for this country or if it's going to be effective at all, so those details will come.

What is more important Madam Speaker, is that the people have an opportunity to have their say. I don't believe Madam Speaker, with something as sensitive as this, something that has been almost the norm for so long, that we were to have changes in respect of these areas without consulting them and there is no better way to consult them than direct involvement on a vote and that's what the PACT Administration is going to do. Madam Speaker, it has been a long time since I debated but it felt good. I am going to leave it there and allow the other Members who may want to give contributions, or for the Honourable Premier to wrap up

and give clarity to some of the concerns highlighted by the Opposition.

However, I want to say this Madam Speaker, I thank the Opposition because I do believe their viewpoints or their criticisms weren't negative criticisms but more so points for us to consider if we want this to be successful. As a matter of fact, I acknowledge the Honourable Member for Red Bay, Sir Alden McLaughlin's viewpoint; he supports both [the possession and] consumption of small amounts of marijuana and he supports a national referendum. I respect him for publicly saying that because some people are not going to say it, you know. They want the leverage to be able to say, *well I never said I supported it*. So, it takes bravery—and I heard my Honourable Deputy Premier say so too—to come out because there are going to be people who are against and for this. I appreciate his honesty.

I assume that the comments by the Honourable Member for Red Bay is a reflection of all the Opposition. I don't recall the Leader of the Opposition saying that position. It would be good to know if that position is the position of all Members of Opposition and for them to publicly say so because you know what could happen, they will say, *well it only was the one Member said so*. I would really like for them to potentially highlight that because the Government has said the position on behalf of the Government; maybe the Leader of Opposition would like to do the same.

Madam Speaker, that's my wrap up, thank you for the opportunity to give my contribution to this honourable House on the Government Motion before us in respect of a referendum on the national lottery and on decriminalisation of consumption and possession of small amounts of cannabis better known as ganja or marijuana.

Thank you, Madam Speaker.

The Speaker: Thank you.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] If—

Sorry, the Honourable Deputy Speaker.

Hon. Dwayne S. Seymour, Deputy Speaker, Elected Member for Bodden Town East: Madam Speaker, thank you for allowing me to get up and make a short presentation. I wasn't going to speak but after hearing so much from both sides I thought that I'd let my voice be heard.

Madam Speaker, I think we need to be honest here about one thing, it's that there is a divide in age; the older people in this country or in many other countries are more conservative, younger people are more open and tolerant. I think that is a fair assessment. I must confess and if most are honest, they will agree that it was I— though I hate to use that phrase— but it was I who brought the Motion some 12-13 years ago in terms of a second chance motion and it was that intention. We were the only country in the world that didn't

have a second chance motion and persons came to me from not only my constituency or Bodden Town at the time, but from other constituencies and the problems that they possessed in trying to, [like] what you have heard, to leave the country for education, recreation or otherwise. We had no way to expunge the records, Madam Speaker.

There was a young man who came to me in his 20s at the time showing me his acceptance to university in Florida and he could not get a clean police record. That was very painful after we wrote to the relevant authorities and there was no way for him to have it expunged at the time. That was very hard to see someone's dream just going down the pipeline because of a restriction that he had on his police record, a mistake he had made as a teenager and I felt it to the core, Madam Speaker.

I had another situation, Madam Speaker, of a gentleman who could not travel to Miami because he did not have a visa and needed to do so for medical treatment and had to do whatever else was afforded to him [as] secondary treatment. These are some of the reasons, and not only just that, but many other people who came to me and I realised that we had a problem.

Now we can say that we now have a process for records being expunged. I thank the many Members over the years who have worked on this, especially the Attorney General's Office and the support of the Government at that time.

Mr. Speaker I agree that we need to do something— sorry Madam Speaker my apologies, these things grow on you, it was Madam and then Mister and now Madam again, so I do apologise— but when it comes to decriminalisation of marijuana, weed, ganja, spliff, blunt or whatever they call them, we really need to think about what we are doing. I think it is a step and I think we have to take things in steps rather than just going straight into full legalisation. I don't think that the country is fully ready for that yet but that's the people's choice to vote on that if a referendum presents itself.

I must confess that I have never smoked, seeing what had happened around me, I chose not to. Many of the people around had smoked, in fact, many people in my area around my age, have never smoked marijuana; we didn't have any peer pressure at all growing up in my area. We were told not to do it by the older guys which was very good and I thank them for that.

Madam Speaker, we need to find a way, we need to do something about it; it's not going away. I don't think that persons who did something as a teenager should be in their 30s suffering, can't leave the island for university or medical treatment, to be just stuck here because they can't get a clean police record.

In essence, this Referendum is about national lottery and decriminalisation of small quantities of cannabis. I'm not going to say much more on the marijuana issue, but what I must say Madam Speaker, is that in both situations, if we keep up this rate almost every

Caymanian will have a criminal record and most won't be able to travel if that is what they desire.

Madam Speaker, in terms of the national lottery, we need to give the public its wishes and don't ignore our responsibilities to our people. If we have a legal lottery, persons, as been said before, can be protected. If they wish to do so we need to ensure that it is properly regulated.

Madam Speaker, I've had representation from my constituents who pay close attention to all that is going on with the Government and what Motions and Bills its bringing and they always send comments and I have them and keep them very close. It forms part of how I deliberate, I have to listen to my people.

Some of the things my people were saying are that if we are spending the money to do a referendum, we may as well add pepper spray to it, another equipment to protect oneself as crime is rising; women have been asking for it. Just giving you some information that persons in my constituency are messaging and writing to me.

Madam Speaker—I have to write that down—the numbers game will continue no matter what. My fear is if we increase the penalties and there is no other opportunity for them to voice...

I am glad that the Honourable Premier was brave enough to give us the opportunity to have a referendum. I think that's what the people want, to have their opportunity to voice their opinions on both of these matters which have been issues that governments over the past have been talking about and many have been scared to touch because it's one that could make you lose votes here or there.

Thus, I am happy to be a part of this Government that is at least making an effort to give persons an opportunity. Is it perfect? Nothing is perfect but it is a step in the right direction in giving persons [a say], doesn't matter what my personal belief is.

We have been sent here as servants to our people and we need to listen to their concerns. We may come in, we may have different ideologies and the people might say, *look, that is what you think, but here is what I want you to do*, and we need to listen and I think we need to be reminded as elected representatives that we are here to work on behalf of the people. I think sometimes we all forget that, because we have our ideas, everyone grew up with different ideologies and some of us go to church, some of us don't, some of us smoke, some of us don't, some of us drink alcohol, some of us don't, and we all have different beliefs, you know, and everybody knows the circumstances around gambling. It can be addictive.

In the US and other places they have counselling centres where persons can go and get help, et cetera. It's addictive for some people who can't control themselves and think those next \$10 are going to be the right shot, so we need to ensure that anything we do, it comes with that kind of education, that people understand it.

Madam Speaker, just going back a little bit, I will tell a little personal story. My son is in his 20s now; at 11 years old I sat down and had a conversation with him. Well, I must admit I told him that you know, he was 11 and soon going to be 12 and that there's no more talking now, that me and him were going to fight because if he does anything wrong there's no more talking because he was old enough, getting old enough, but we made a deal. He didn't even know half of what I was talking about but I said, *Look, if you don't drink or smoke until you're 17 years old, I'll buy you a car.*

Now, Madam Speaker, at that time I can tell you, I was in no position to afford nothing but he didn't know that, but because I know the effects on young children, I have read about it. The effects on teenagers' brains smoking and drinking before a certain age, the results are there, and we all need to protect our children and grandchildren and give them this information so that they can know the dangers of smoking and drinking, whether its cigarette or otherwise, before a certain age. I made that agreement with my son, and every year my son reminded me, *Daddy, you remember our agreement, when I reach 17?* I said, *Yeah but Zach, you are only 12 years old*, you know, but he reminded me every year.

That was my tactic; it won't work for everyone, but I am just saying that I tried to protect my child from the dangers that I know are out there, because if you go to the Drug Council and you get the statistics, you will realise that children are attempting things at a much younger age now, a much younger age, so we need to do as much and give our children as much information to protect them or to at least educate them. We are not going to always be with them but at least they're armed with information that if they make a decision they know possibly what could happen.

Some people are lucky; some people smoke one time and they turn plump crazy.

[Inaudible interjection]

Hon. Dwayne S. Seymour, Deputy Speaker: Some people have one drink and they are never the same. Some people are lucky or unlucky, that's why I tell them don't do it.

Madam Speaker, my little contribution here, not as long as the Hon. Liz Truss...

[Laughter]

Hon. Dwayne S. Seymour, Deputy Speaker: Madam Speaker, we have a problem and I am glad that the Premier and the team, the Government, chose to take it on. Some may say this, and some may say that; some may say use this approach not that one, and we also have to think about it, Madam Speaker. If we decriminalise ganja or cannabis, as said earlier and I have always been saying it, where are the persons getting the ganja from to smoke? Should they be growing what

they smoke in their backyards, or smoking what they grow?

I know they will probably make a TikTok, they love me so much.

However, we need to think about that. Are we decriminalising this thing to make someone else's economy better? I want us to think about that. That is my small contribution, Madam Speaker, and I hope that we never have to be like Greece many years ago, who had to use the numbers from the underground world's illicit activities, to balance our budget.

Thank you, Madam Speaker.

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

The Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner: Madam Speaker, thank you.

I, too, sat and pondered whether or not I should lend my contribution to the Tabled Motion being discussed now. I was elected on the slogan, "*Be your voice, your hope, your choice*". I don't intend to be very long, I believe in being concise and just getting to the point, but [given] the position which I hold, as Minister of Health, Wellness and Home Affairs, it would not have been in its entirety right for me to have not lent my contribution which is, for the record, unprepared because I believe in speaking from the heart.

The elephant in the room doesn't go away with regard to the subject matter at hand. I am a child of the soil, raised up; and the Motion in its Tabled form: Referendum on National Lottery and Decriminalisation of Small Quantities of Cannabis, is a mere step of showing— and I am going to go very Caymanian— the gumption of this Government.

[Inaudible interjection]

Hon. Sabrina T. Turner: The gumption of this Government to give the people their voice. It is not how we are going to lead as an elected government but because of the very nature and sensitivity of the subject at hand, the very nature that I refuse, and I don't wish to attend another funeral.

As my honourable colleague, the Deputy Premier stated, I attended a very sad funeral of someone who lost his life. What right now is available to us, deals with one part of the subject matter that is before us today, and in the funeral, we got claps in making a promise to the people that we will do something. We were applauded for saying that *we will be your voice*, but this will be done collectively with giving the people their chance to also help steer us in taking us forward.

As honourable colleagues have said, whether or not we will get it 100 per cent right at the beginning, maybe not but again, it goes back to the very same reason that we are sitting on this side of this honourable House— by giving the people their choice and say.

[Desk thumping]

Hon. Sabrina T. Turner: It is for that, that I will support this Motion in its entirety, and I am quite sure that the Honourable Premier, when he is doing his closing arguments will expound that much more as to how we will move forward, and I am looking forward to the discussions.

As so ably stated on the Floor by my honourable friend for Red Bay, taking a stance of some sort; is a matter of provoking the discussions and I am really looking forward to engaging with the people of the Cayman Islands. It doesn't matter what electoral district you are from, once you are a registered voter, you will be able to participate in this Referendum. I am looking forward and I will make myself available to the people of the Cayman Islands to discuss this very same Bill as we move forward in our democracy, because this is what democracy is.

Thank you for giving me this time.

The Speaker: Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] If not, does the mover of the Motion wish to exercise his right of reply?

The Premier, Hon. G. Wayne Panton: Madam Speaker, thank you very much. I do not intend to be very long.

Madam Speaker, we have had a range of contributions, sometimes I couldn't figure out whether we were debating something entirely different, but obviously, there are many perspectives, there's much passion and interest.

Madam Speaker, I think I have been very clear in my initial remarks on the Motion as to the process and the timing. I know that questions were raised around what happens if there isn't a, sort of, very clear majority one way or the other on either one of the issues. Madam Speaker, those are questions that we will have to take a view on at the time. We all understand that this is not a binding referendum, this is something which is a sounding; it is an attempt by us to get the views of the people of the country on these two matters that we say are matters of national importance.

Madam Speaker, in relation to the first question I want to make this point very clear first: What we have done in terms of this Motion, is an attempt to outline broadly what the issue is; not to be very narrow and not an attempt to outline exactly what the question is. This is what you do when you bring the Bill forward and you have decided exactly how the question is phrased in relation to the matter that has been the subject of the Motion, the subject of the resolution of this House. Madam Speaker, this is an attempt to get engagement with the people, to get the views of the people. I think all Members who have spoken acknowledged and reflected that, but I think there has been too much focus, not on what we are talking about now in terms of the

Motion and the specific resolution that we are seeking, but on issues that naturally fall down the road.

Madam Speaker, one of the Opposition Members was discussing what happens in terms of a judicial review or lawsuit or however it was described. How is that going to happen in relation to this Referendum? Yes, you can see it happening on the Bill, you can see it happening down the road, but not at this point. It is very difficult to see how this kind of issue at this point would give this sort of concern, Madam Speaker.

This isn't going to prejudice anybody right now. We are asking for the views of the people of the country. This is not going to commit, this is not going to prejudice anybody. If they want to have objections down the road, well that's entirely possible, we can't speak to that, we can't even necessarily anticipate it. It may happen, it may not.

Madam Speaker, there were comments made along the lines of it being brave, courageous, similar words, similar descriptions, to people stating what their position was on both matters and saying, for example, that for consumption and possession of small amounts, it should be completely legal; suggesting we should legalise it.

Madam Speaker, if that was an option, I may be one person who wouldn't object to it either. Personally, I am not sure that a referendum is needed on an issue like this, either of them, if we do the work properly, Madam Speaker. However, we are in a situation where we are not in a position to make a decision as to whether it can. Whether the possession and consumption of small amounts, whatever that ends up being—and as I said during my initial contribution, we have many precedents, many indications everywhere from Jamaica to Belize to Canada, to USA and you know, you can spin around the Caribbean and find probably quite a few others as well, so that's not really a problem for us, Madam Speaker.

What is the problem is that we cannot legalise possession or consumption of even small amounts. We do not have that option. That is what Bermuda was trying to do. That is what British Virgin Islands was trying to do. Yes, in some cases they were trying to do more than that. You know, they were dealing with cultivation and all sorts of other circumstances surrounding it, but we know that that doesn't work because we are subject to a United Nations Convention that restricts our ability to legalise in that way.

That is why the option for us is to decriminalise, and that's possibly the case for many other countries where decriminalisation is the concept that is utilised. Perhaps if they had the complete freedom to be able to do it, they may not be talking about decriminalisation, they may be talking about full legalisation of very small amounts. We do not have that option, hence the reason we talk about decriminalisation. I mean, at the end of the day, we can decide what the administrative fines are; we can decide that. What we cannot do is to completely make it legal.

Madam Speaker having said that, I'm not sure that there are many other issues that I heard which required a response. I do—

[Inaudible interjection]

The Premier, Hon. G. Wayne Panton: I beg your indulgence, one moment.

[Pause]

The Premier, Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, the final point I have been reminded of is that Government does not want to be too prescriptive at this point as to exactly what the question will be, because there are a variety of choices. There is not a binary choice here. We've heard so many different opinions and views, we have had representations made which reflected the actual views of some constituents, so we've heard, we can see that there is a broad range of interpretations and understandings and perspectives. At this point it would not suit us to try to get prescriptive about what this question is going to be or either one of the questions would be, specifically. It is sufficient for us to set out in general the description of the matter that we are seeking to get approval on in terms of the resolution to be able to move forward to the next stage, which would be bringing a referendum Bill.

Madam Speaker, with that last clarification, I thank all other Members for their contributions. I thank those Members who have not spoken and perhaps it's dangerous to suggest that it may reflect tacit support, but I'm assuming if they were intensely troubled by anything, they would have expressed their view, so thank you very much, Madam Speaker.

The Speaker: The question is that the following be declared matters of national importance:

- a. Whether a national lottery should be introduced in the Cayman Islands; and
- b. Whether the consumption and possession of small amounts of cannabis should be decriminalised.

AND BE IT NOW THEREFORE FURTHER RESOLVED THAT the said matters be specified in a Bill and brought by the Government to this Parliament for debate in accordance with the provisions of Section 69 of the Cayman Islands Constitution Order 2009 as amended.

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

AYES.

The Speaker: The Ayes have it. Government Motion No. 3—

Hon. Kenneth V. Bryan: Madam Speaker, I call for a division.

Madam Speaker, a matter of procedure.

[Inaudible interjection]

Hon. Kenneth V. Bryan: Madam Speaker, just a procedural matter. I just think it would be important for the record of this House that our Honourable Minister Ebanks had to deal with a family emergency [that's] why he is not here for the record for the vote.

Division No. 4 of 2022-2023

AYES: 16

Hon. G. Wayne Panton
 Hon. Christopher S. Saunders
 Hon. Kenneth V. Bryan
 Hon. Sabrina T. Turner
 Hon. André M. Ebanks
 Hon. Bernie A. Bush
 Hon. Juliana Y. O'Connor-Connolly
 Hon. Dwayne S. Seymour
 Mr. Isaac D. Rankine
 Ms. Heather D. Bodden
 Hon. W. McKeever Bush
 Hon. Roy M. McTaggart
 Mr. Joseph X. Hew
 Mr. Moses I. Kirkconnell
 Ms. Barbara E. Conolly
 Mr. David C. Wight

NOES: 0

Abstentions: 1

*Hon. Sir Alden McLaughlin

Absent: 1

Hon. Johany S. Ebanks

***Hon. Sir Alden McLaughlin:** *Madam Speaker, as I indicated, I believe the Resolution Section of the Motion to be fundamentally flawed and so I will abstain.*

The Speaker: We have a total of 16 Ayes, 1 Abstention and 1 Absentee. The Ayes have it.

Agreed: Government Motion No. 3 of 2022-2023 passed.

The Speaker: Before we go into the Bills, we will take a short suspension for about 30 minutes and resume at 6.00 p.m.

Proceedings suspended at 5.27 p.m.

Proceedings resumed at 6.09 p.m.

The Speaker: Proceedings are resumed.
 Please be seated.

BILLS

FIRST READINGS

GAMBLING (AMENDMENT) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

IDENTIFICATION REGISTER BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

CAYMAN ISLANDS IDENTIFICATION CARD BILL, 2022

The Speaker: The Bill has been deemed to have been read for the first time and is set down for a second reading,

MUSIC AND DANCING (CONTROL) (AMENDMENT) BILL, 2022

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

NATIONAL ROADS AUTHORITY (AMENDMENT) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

UTILITY REGULATION AND COMPETITION (AMENDMENT) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

CUSTOMS AND BORDER CONTROL (AMENDMENT) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

SUPPLEMENTARY APPROPRIATION (JANUARY 2020 TO DECEMBER 2020) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

SUPPLEMENTARY APPROPRIATION (JANUARY 2021 TO DECEMBER 2021) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

CRIMINAL JUSTICE (OFFENDERS ASSISTING INVESTIGATIONS AND PROSECUTIONS) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

CONTEMPT OF COURT BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

PENAL CODE (AMENDMENT) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

ANTI-CORRUPTION (AMENDMENT) BILL, 2022

The Speaker: The Bill has been deemed to have been read a first time and is set down for a second reading.

SECOND READINGS

GAMBLING (AMENDMENT) BILL, 2022

The Speaker: The Honourable Premier.

[Pause]

The Premier, Hon. G. Wayne Panton: Madam Speaker, thank you very much.

I am pleased, Madam Speaker, to rise to move the Second Reading of a Bill shortly entitled, the Gambling (Amendment) Bill, 2022.

The Speaker: The Bill has been duly moved. Does the mover wish to speak there to?

The Premier, Hon. G. Wayne Panton: Yes, thank you, Madam Speaker.

Madam Speaker, I rise to present to this honourable House, the Gambling (Amendment) Bill, 2022.

Madam Speaker, as it has been demonstrated by much of the earlier discussions on the Government Motion, one matter of which related to gambling, the issue is multifaceted, somewhat complex and somewhat controversial. Indeed, Madam Speaker, such are the times that this is the second of two matters dealing with the subject to this meeting. It is my duty, Madam Speaker, as Premier, to carefully frame the presentation on this Gambling (Amendment) Bill, 2022.

Madam Speaker, this is an Amendment Bill, which only has 13 clauses but it might as well be 130 given the extent to which there will be interest in it.

Madam Speaker, having gathered information, various data points and carefully examined the evidence which is available, and having listened carefully to many of the concerns which have been raised by key

stakeholders, including the RCIPS in their desire to address, on behalf of the people of this country, some of the issues that we have had recently, in relation to increased crime, increased robberies— but not just today, Madam Speaker— it has been something that has become a bit of a feature over some period of time.

Madam Speaker, the Government's position is that this is a problem that we can no longer simply ignore. For too long, Madam Speaker, the approach has been to kick the can down the road to ignore it. Madam Speaker, the result of that has been a cost to this country, and to certain families in particular, because it has cost lives, Madam Speaker.

There is also an increasing crime rate. There are issues around destabilisation of families, there are problems around economic loss and even concerns around reputational damage. Madam Speaker, in presenting this Bill, I will seek to demonstrate that the Government is keenly aware of what is going on in our community and understands the various few points.

As I noted earlier, there was much discussion on the previous Motion which is no doubt somewhat relevant here. There are various attitudes and perceptions towards illegal gambling, Madam Speaker and truth be told to some extent, there is a level of acceptance.

Madam Speaker, the first thing to do when trying to resolve a problem is to recognise that the problem exists. More importantly, Madam Speaker, to demonstrate to our citizens, who are watching and who are listening, that we understand this and we intend to address the matter.

I will outline how we propose to tackle the problem by providing an overview of the proposed Amendments by virtue of amendments to the Gambling Act (2016 Revision) which are set out in this Gambling (Amendment) Bill, 2022 that I'm moving the Second Reading of.

Madam Speaker, I have no illusions about the issues; I have no illusions about the challenges of taking this on. What I do know, Madam Speaker, is that people have given us their mandate to be their voice, to serve them and above all, to ensure that the rule of law is upheld and society is made as safe as it can be. I would say, Madam Speaker, may it always be at the front of our minds that it is the constitutional duty of every Member of this honourable Parliament to make laws for the peace, order and good government of these are wonderful Cayman Islands.

I wish to reiterate that illegal gambling is a problem and I will say that it is a problem that the 19 elected Members of this House of Parliament can no longer ignore. To do so, Madam Speaker, in my view, would mean that we are not upholding our constitutional duty.

Madam Speaker, we do have—as we all know—a very diverse community, there are many customs, practices, cultures, traditions, perhaps some idiosyncrasies, but it goes without saying, Madam

Speaker, that as human beings, we are always involved in various forms of social interactions, entertainment and commercial activity. I give that broad overview because I don't believe that we have the option of burying our heads in the beautiful white sands of Seven Mile Beach. There is no need for shock and awe at the existence of this social issue; we all know that it exists. It is not something that's new, not something that has just emerged, Madam Speaker.

What we are proposing to do with this Bill, is to amend the Gambling Act (2016 Revision) which was first enacted on the 1st January, 1964. It's a law that is older than I am, and I don't think I'm that old. I am not going to, thankfully, rely on the maths of one of my colleagues earlier who thought that was somewhere in the region of 80 years, but certainly it's close to 59 years.

Madam Speaker, when I speak of illegal gambling, I am speaking of many forms of gambling, but more often than not, I am speaking of gambling in the form of the illegal lotteries or what is more commonly described as the "numbers" *racket, industry, business*, whatever you want to call it. However, it also includes, in the broader sense in terms of gambling, betting on various sports, dominoes, cards and dice games and also online gambling, Madam Speaker. The activities are broad, we are under no illusions about their existence.

Madam Speaker, I don't stand here from any judgmental perspective. I don't gamble, I do not find any entertainment in it, in the same way that I neither smoke nor drink, but that is neither here nor there in my ability to appreciate that there are people who do those things. There are people who find some entertainment value and I would say there are others who actually believe that there is some positive value, in terms of earning an income. I don't see that to be the case, Madam Speaker. If it were the honest truth, we wouldn't have illegal gambling, lotteries or "numbers" because the house would be broke.

We have challenges, Madam Speaker, in addressing this particular issue. It is something that is part of everyday life here, it seems. We have people who don't by numbers or gamble here, but who will, either on their first landing in the US or whenever family members go up, get a whole ream of numbers for them to buy Powerball, Florida Lotto or one of those.

It is a broad issue; it has its own little quirks. We have people who really get into this; they have the study of dreams, birth dates, ages, death dates, events, formulas and calculations. Madam Speaker, oftentimes there is even the almost ubiquitous question of, *what number played?* It's even alleged, Madam Speaker, that it has been overheard being whispered amongst parishioners at the end of a church service. It is something that's widespread, commonplace and broadly practiced. Yet, Madam Speaker, for the better part of 59 years, it has been a criminal activity, it has been against the Law.

There was an amendment in 2015 to the Law, which coincidentally was an amendment brought by me when I was Minister for Financial Services, Commerce and Environment in the 2013 to 2017 Administration. That Amendment was done initially to allow cruise vessels to be registered here and to operate casinos on board. At that time, we took the opportunity to amend the Law to also deal with the local voluntary organisations, churches and service clubs that are fundraising, holding lawful raffles for fundraising purposes, public purposes, public good, Madam Speaker.

[Inaudible interjection]

The Premier, Hon. G. Wayne Panton: Lawful after that... It made it lawful.

Madam Speaker, it is widespread. It is an issue that I feel, as a Government, we cannot ignore and my colleagues support me in that position. It is a problem that must be addressed.

Madam Speaker, before we move on, let me just talk about what exactly the problem is. There is this notion that this is a victimless crime; this is something that doesn't hurt anybody else. Well, at this point, we don't have the mandate to change the Law. We don't have the mandate to legalise anything, but we are also in a position where we cannot consider ourselves a healthy democracy if the rule of law is being openly ignored and defied. To take the position that it is a victimless crime and we should ignore it is a fallacy, absolute fallacy.

Madam Speaker, this viewing [of] gambling as a victimless crime shrouds the insidious nature of the crime itself and I don't intend Madam Speaker, to sugar-coat the reality as to what exists on the ground. I am not going to get into any Donald Rumsfeld-like challenge of describing things that "**we know we don't know... [and] things that we don't know, we don't know**" about illegal gambling, but we are certainly still able to piece together a very clear picture of the scale of the problem in the Cayman Islands.

Madam Speaker, I have also benefitted from discussions with both His Excellency the Governor as well as the Commissioner of Police who have responsibility for national security and safety of the people of this country. Together with my own views, research and knowledge, I am convinced that we are not dealing with a small, unsophisticated, friendly, neighbourhood game of bingo. This is, Madam Speaker, about participants in illegal gambling being directly facilitated by and supported by organised crime which benefits international syndicates.

Thus, we can easily list amongst the criminal activities associated with our local gambling syndicates: illegal commercial activity, cross-border money laundering and potential tax evasion in the countries where the proceeds are being remitted as well as a host of other financial crimes.

There is also the strong suspicion that work permits are being sought Madam Speaker, for job holders whose only role and real source of income comes from selling numbers. We have people who we're giving work permits to in good faith, to on the face of it, conduct work to generate income for themselves, for what is otherwise viewed as a legitimate operation when in fact there's nothing legitimate about it. They are simply selling numbers. They don't have any other legitimate employment role.

Madam Speaker, the culture of illegal gambling in our country has become shockingly acceptable and I know I am going to sound very intolerant, and to a large extent I am because of the consequences which I will get onto. That's not to say Madam Speaker, that as has been discussed earlier on the Motion, that we can't control and regulate an aspect of this business while at the same time making those elements of the business that are not authorised, not regulated, not supervised, illegal and subject to punishment for conducting their operations illegally.

Madam Speaker, illegal numbers games and race horse betting, for example, are largely controlled by these on-island criminal gangs with international connections. That raises, as I said, national security issues, it raises concerns around our safety and our integrity as a country, but perhaps even broader than that Madam Speaker, some of these things involve cruelty to animals, for example, we have cockfighting rings that are being conducted. It's barbaric, it's un-Caymanian. You would never regard that as being an appropriate spectator sport, but it is a heavily bet on activity.

Now, Madam Speaker, to demonstrate the interconnectivity between the criminal activities. On one occasion I recall a report that a canoe from Jamaica had been intercepted, which had on board, in addition to the marijuana, a number of roosters being illegally imported for the purpose of cockfighting. It goes further than that because it also involves illegal dog fighting, and we have had many reports in the press, probably in the past year and a half to two years, of operations in which these sorts of activities have been identified and have been addressed by the Police Service.

Madam Speaker, these poor animals live miserable lives, are often abused, maimed, killed, and most of the time after going through their service, end up having to be euthanised.

Madam Speaker, we don't want that for Cayman, we must bear no resemblance to that. These are issues that are even tangential but they are important issues.

Madam Speaker, let's get to the point of the issue, let's get to the heart of the issue. We have a piece of legislation which probably decades ago now, has ceased to be fit for purpose. The inadequacy of the penalties for illegal gambling or related crimes have fuelled an unsettling amount of serious, violent offences in the Cayman Islands. In 2021, there was a concern increasing in the number of offences involving

firearms, such as armed robberies and gang related shootings. As we reflected one year later, in 2022, illegal gambling continues in all of its forms to have an unwelcomed, pervasive influence on the most vulnerable in our communities.

Madam Speaker, the series of robberies have heavily contributed to this increase in crime. Many of the businesses that have been targeted are small businesses and individuals who are involved in the numbers games, the illegal gambling.

Madam Speaker, it bears also pointing out that this high level of illegal gambling activity also comes at a time when much of the world, including our Islands, are beset by inflation. The cost of living has been rising in this post lockdown period of geopolitical instability and the unconscionable war launched upon Ukraine by Russia.

Too many of our people may feel that gambling is a part of the solution, that it's a way to make ends meet, a way to survive, perhaps even a way to prosper, might be their view. Madam Speaker, that's a cruel trick of the mind. The vast majority are worse off, not better off, and believing that tomorrow will bring better luck and a pay-out is another cruel hoax; not a solution for these difficult times.

Madam Speaker, the Government has to fight too hard to enable our people to take one step forward to then sit back just to watch them slip two steps backwards because of illegal gambling.

Madam Speaker, the Government shares in the concerns expressed by RCIPS that we must work to discourage illegal gambling in our communities and its related consequences. We must address the cross border threat, we must address the serious crimes, we have to address the open violation of the law, Madam Speaker. We cannot just simply leave things alone, leave things as they are and we certainly can't allow criminals from overseas to deal with gambling related conflicts in our beautiful country nor turn a blind eye to the movement of illicit cash out of the country.

Madam Speaker, as I said earlier, far from being a victimless crime, illegal gambling is part of an organised crime often directed from outside these Islands, from overseas. Illegal gambling has resulted in violent crimes and murder.

Madam Speaker, colleagues in an earlier debate referenced the fact that we all feel for those families that have been impacted but Madam Speaker, we have to do more than that. We have to do what our Constitution calls us to do, what our conscience calls us to do. We have to find a solution to addressing these risks of our people being victims of violent crime. We can't just accept that they should be robbed, assaulted, bullied, extorted or Madam Speaker, indeed murdered. I don't care whether they have been committing any offences or whether they're selling numbers, they don't deserve to die. They don't deserve to be robbed at gunpoint, they don't deserve to be hit over the head, pistol whipped or shot deliberately or accidentally; they don't

deserve any of that Madam Speaker. It's our responsibility to address these issues.

Madam Speaker, these tragedies which are occurring here in some cases may not appear to be gambling related, but on further review it is quite clear that much of it is. Any time you have illegal activity which involves significant amounts of money and it's unregulated, you have this risk.

Young people in this country, senior citizens and small business owners are bearing the brunt of a social problem that has been ignored for years. The negative impacts are becoming more and more obvious, the cost to society is becoming more obvious and the harms are becoming more obvious. In fact, Madam Speaker, many people would regard it as being heavily underestimated.

Madam Speaker, this is not happening to people on the fringe, people who are in a different town or who are on the outskirts of our society, this is happening across our society to people who are a part of everyday life. The concern about that Madam Speaker, is that at some point we may have another person, we may have a five or six-year-old walking on the other side of the street with his/her mother or father and a stray bullet emanating from this activity, from this violence, kills that child Madam Speaker. That is not a cost that we want to bear or can afford to bear because we have no explanation, we have no justification for allowing the circumstances which could give rise to that happening.

Madam Speaker, there's crime that happens, bad things happen to good people at times, let me put it that way, and oftentimes these are accidental things but when we know that there is activity which is creating the kind of environment, the kind of opportunity for bad things to happen to good people, let us try to do something about it.

Madam Speaker, let me touch on the social cost. Before that, let me talk about the reputational risk. We know that the proceeds of this illicit money, much of it can't be banked here, much of it is leaving the country in a variety of ways and it is creating a risk for us. We have this amazing financial services industry that serves the world, that we are trying to ensure is protected from abuse by any bad actors from any part of the world, Madam Speaker. When we know that this sort of thing is happening and the money is leaving our country through a variety of ways, matriculating through some systems, it's a threat to our reputation; it has a danger of giving us a label of hypocrites. I say that only to say, Madam Speaker, that if we know this is happening, we need to do something about it, we need to try to address these issues.

Madam Speaker, the costs on families, on businesses and on [the] wider society are heart wrenching. There are people who are involved in gambling who have the physical symptoms of having addiction, they have depression, anxiety and some end up

with stress related illnesses. Thus, Madam Speaker, there is a significant cost to the country.

It is eroding confidence, Madam Speaker. We must face that uncomfortable truth and deal with it. We say we want to hear the views of the people of the country as to whether we should provide a legal alternative through which they can participate, for whatever reason, entertainment or otherwise; and ensure that the rest of the activity is addressed with appropriate controls, appropriate levels of deterrent sentences and fines. We must face that truth Madam Speaker, we must deal with that. We cannot turn a blind any longer, no matter how much it is accepted by many of our people.

Madam Speaker, I don't know why it has taken this long to address this issue. We seem to have kicked the can down the road, as I said, for a long time. The law as it is, is incapable of serving any purpose of ensuring that this activity is controlled. It cannot be said Madam Speaker, that others didn't have the opportunity to deal with it.

We know as recently as 2018 there was a Bill, the Gambling (Amendment) Bill, 2018, which was brought to Parliament, never debated, never put on the Order Paper and the reason remains a mystery. I have even asked Members of the Opposition who were the government at the time, *what happened, why it wasn't dealt with*, and the response I got was a shrug and *I don't really know*.

Madam Speaker, I think that this is not something that we can continue to do. We have to resolve this issue. Tolstoy wrote in *War and Peace* that, "**Writing laws is easy but governing is difficult.**" A society that chooses not to govern by ignoring its own laws is taking the easy road to perdition. Our people should have the confidence to know that laws in the country will be enforced, especially when illegal activity results in a myriad of problems, societal impacts, safety and national security issues.

Madam Speaker, we as I said, are happy to let the public decide whether we continue, whether we enforce fully the Gambling Act (2016 Revision) as it is with these proposed Amendments, to address the negative issues and negative aspects, the societal ills, the safety issues on its own or whether we provide an outlet, an option, an alternative that's legal, that's regulated, that's supervised but ensure that everything else is addressed, that all other illegal activities are stopped.

Madam Speaker, the Gambling (Amendment) Bill, 2022 proposes to increase the penalties for a number of gambling related offences, including the use and ownership of premises for gambling, the publication of lottery numbers and dealing with money resulting from gambling activities, while there are significant fines being proposed through the Bill, which will likely have an improved deterrent effect given the estimated sums of money being generated by gambling in Cayman.

The Government is also taking an additional step of approving an Amendment Order to Schedule 1

of the Proceeds of Crime Act (2020 Revision). That Order Madam Speaker, would seek to add specific gambling offences from the Gambling Act (2016 Revision) under the list of lifestyle offences so that Confiscation Orders can be made by the Courts.

The fine for offences under section 4 of the previous Gambling (Amendment) Bill... Let me move on to another element Madam Speaker, because I think I have an error in my notes, in relation to the specifics of the Bill.

Under the new Bill and in an effort to strengthen sanctions and fulfil Government's dedication to increase enforcement and improve legislation, penalties have also been increased as follows:

- (a) the penalty for owning, occupying or permitting another person to use a place as a common gaming house;
- (b) managing or assisting in the management of a place being used as a common gaming house, or assisting in carrying on a public lottery;
- (c) receiving directly or indirectly money for a public lottery or selling, offering for sale, giving or delivering any lottery tickets;
- (d) drawing, throwing, declaring the winner or winning number or ticket;
- (e) writing, printing, publishing, or causing to be written, printed or published any lottery ticket, list of prizes or a result of a public lottery;
- (f) announcing or publishing or causing it to be announced or published that any place is a common gaming house, with the purpose of inviting or soliciting persons to breach the provisions of the Act;
- (g) providing funding to establishing or to conduct the business of a common gaming house or public lottery, or committing an act of unlawful gaming;

Under the Bill, all of those activities would increase, Madam Speaker, from a fine [of] up to \$400 to a fine of up to \$10,000, a term of imprisonment from one year to up to four years, or both.

I stress, Madam Speaker, even though the Bill will say that it is \$10,000 for the fine, four years' possible incarceration or both, those are not absolute numbers. That's the maximum range, so the penalty might be considerably less. It might be less than \$1,000, for example; might be less than \$500, and it would probably only be in the more extreme situations where there is a custodial sentence, and that would certainly likely start at a very lower level period of months and it would only be in the most extreme, perhaps the most egregious sort of cases, where it would be anywhere near the maximum levels.

Madam Speaker, the penalty for playing in or being found in a common gaming house, taking part in a public lottery, being found gambling or betting in licensed premises or for failure to prove that a person was not in possession of a lottery ticket would be up to

\$2,500— again, I am putting the words “up to” in there. It does not say up to, it just has the number \$2,500. We know that it is just a drafting style, it means up to. In relation to that, there is the potential for up to six months imprisonment.

Further, Madam Speaker, the penalty for using a place for gambling without permission is up to \$5,000 or one year imprisonment, or both. The penalty for committing any gambling activity involving selling tickets or paying out for lottery tickets would be up to \$5,000 or up to one year imprisonment or both.

The penalty for attending or assembling in any public or private place for the purpose of ascertaining or waiting for lottery results would be up to \$2,500 or up to six months imprisonment or both. The penalty for refusing to demolish a place erected or constructed for gambling, where so ordered by a judge would also be up to \$5,000 and up to one year imprisonment, and a fine of up to \$100 a day for each day that there is non-compliance with the court order.

Madam Speaker, a further element is the penalty for keeping a common gaming house or for conducting or taking part in a lottery. This would be the heart of the operations, this would be for people who are running the illegal gambling operations and this would be up to \$20,000 and up to four years imprisonment or both.

Madam Speaker, the other aspect of the Bill is that it seeks to clarify the mode of trial for offences under the Act. The current Act talks about offences being tried summarily in Grand Court, which appears contradictory. This Bill is designed to ensure that there is clarity that the vast majority of the offences would be triable summarily, but offences under section 4, section 20 and section 21 of the Act, as amended by this Bill, will be considered category B offences which are triable either way in accordance with section 5 of the Criminal Procedure Code, which means Madam Speaker, that the defendant would have the choice of whether it is a jury trial or whether it is a trial by judge alone.

Madam Speaker, in order to dis-incentivise illegal gambling and reduce profits to those criminal organisations, particularly those overseas that are taking money out of our people's pockets here, we also need to educate the public on the reality of this and the unsustainable nature of these sorts of activities.

Under the Proceeds of Crime Act (2020 Revision) there are two regimes for confiscation of assets:

1. Proceeds of criminal conduct, in which any confiscation can only amount to the benefit from that particular offence charged; and
2. Criminal lifestyle.

It is a criminal lifestyle regime that any criminal should be concerned about, Madam Speaker.

Madam Speaker, the course of criminal activity is proved if the defendant is convicted in court of three or more offences from which the defendant has benefited, or has been convicted of two offences from which

the defendant has benefited on this occasion; and within six years of the start of the most recent proceedings, they have been convicted on at least two separate occasions of an offence from which the defendant has benefited. The benefit to the defendant needs to be at least \$5,000, so there is a bar that has to be achieved in order for the criminal lifestyle test to be achieved, which would bring about the operations of the Proceeds of Crime Act (2020 Revision).

Madam Speaker, the Order has added the following gambling offences to the list of lifestyle offences, our proposal is to add to that section 4 (a), (b), (c), (d) and (h) offences; section 10 - using a place for gambling without permission; [and] section 20 - penalty for keeping the common gaming houses; and as I indicated earlier, that is one of the serious offences. In addition, section 21 - penalty for conducting or taking part in lottery; as well as section 22(1)(a) and (c) offences are included in this list of lifestyle offences.

Madam Speaker, by passing the Bill, we will be sending the strongest possible signal of our commitment to supporting law enforcement; to providing them with the tools, and putting the authorities in a stronger position to more effectively combat illegal gambling and the ills, the negative issues that arise from that in our community. It will [also] prioritise, Madam Speaker, the safety of the Cayman Islands community. As a Government, Madam Speaker, we have a duty to maintain law and order in our country and to work tirelessly to protect our people's welfare and security. I think we take that duty seriously, Madam Speaker.

Madam Speaker, as I wrap up my introduction to this Bill, I think it is appropriate to state that Government views this reform as necessary and urgently needed; but we are also taking the step of getting the views of the people on how to address this issue more broadly. Do we leave it as it is, give it the strength that it needs to make it fully enforced to protect our people without any alternative approach, or do we provide an alternative approach at the same time as we protect others from those activities that would be illegal?

Madam Speaker, we all know the expression, *the surest way for evil to prevail is for good men and women to do nothing*. We have accepted that we must do something and we have set out what we think is a fair approach to get the views of the people on how we go forward. We will not be added to the history books to be just another group of politicians who choose comfort and political expediency over countering a complex and cross-border criminal activity that has real impacts on our people economically, in terms of safety, and in terms of their lives, Madam Speaker. Therefore, rather than just a wink and a nod and a false sense of security, it is our duty to talk to our people about these issues.

It is our duty to ensure that our democracy, our safety, their safety, our borders, our reputation, which is under threat internally and externally, are protected. We have a problem, and the first step in making real change to address the problem is recognising it and

addressing it and we feel the way we have proposed to do this, Madam Speaker, is a fair way. Nobody wants to see people being unfairly treated. Nobody wants to see people losing their lives, their livelihoods, but Madam Speaker, we have to be united in solutions and we have to strengthen this enforcement regime [while simultaneously] talking to our people as to what kind of alternative approach they would like us to take on their behalf.

Madam Speaker, every day I get comments from constituents, particularly when there has been a spate of robberies or assaults, any kind of significant criminal activity. They're always asking me to do something about the issues, to get the police to do something about it. Madam Speaker, we have to give them the tools and we have to devise the solutions that help to produce the better results. We have to trust in the judicial system. We have to have the whole system working. We, all of us in here, as good men and women, must do what we need to when faced with harmful wrongdoing, we must take a stand.

Madam Speaker, we intend to move forward as quickly as possible with the proposed referendum on the issue of a national lottery as a part of this Bill. Madam Speaker, I hope to have a clearer indication of timing before I get back to winding up on this, and to be able to give a better indication of timing on commencement of this. However, Madam Speaker, I want all of us to accept that we have to do something. We cannot just allow the status quo to remain.

I want to thank the Police, Portfolio of Legal Affairs, Cabinet Office, all of those individuals, some known, some unknown for their assistance and support in helping to bring this important legislative Amendment forward.

Madam Speaker, with that, I commend the Gambling (Amendment) Bill, 2022 for the favourable consideration of this honourable Parliament.

The Speaker: The Honourable Member for West Bay West.

Hon. W. McKeeva Bush: Madam Speaker, I understand the Government's desire to bring this Bill, as with regard to crimes committed, and having had the debate on the Referendum, I doubt I will get support on the Amendment [that] I proposed and is now circulated.

[Inaudible interjection]

Hon. W. McKeeva Bush: For a long time, I've been by myself in that chair; by myself.

[Inaudible interjection]

Hon. W. McKeeva Bush: Madam Speaker, I still have my views on this matter. I understand the various things that the Premier has pointed out about the crimes. In saying I understand that, I am concerned about the

implication of fines to houses. That is something that I hope we can address, that can be explained further at the end or certainly in Committee Stage.

I don't believe that increasing fines is going to stop people's urge to buy numbers. Yes, we have to increase the fines, because some of them are ridiculous, but about it stopping this illegal numbers game, that's a pie in the sky dream; it's a dream. If they are successful, you can believe many people would lose their house or [end up] in Northward.

[Inaudible interjection]

[Laughter]

Hon. W. McKeeva Bush: Madam Speaker, the lottery and the numbers games are two different things completely, two different things, and I believe that the Legal Department could point that out to them. Just the amount of illegal numbers that are being done now in Cayman, from what I understand— and I think it was the Member for George Town North who read out a list from just one area in one country, remember we have two or three countries' people [who] are involved in purchasing these numbers.

The lottery as is proposed, that we are talking about for a referendum as a lottery system, is completely different from the number games. If this House is serious about stopping criminality, the way to stop the illegal numbers game is to make it legal!

[Inaudible interjection]

Hon. W. McKeeva Bush: Oh, the Amendment will be moved. I am not withdrawing the Amendment because I feel strongly about it.

Madam Speaker, I think it is time this House could make a decision as to the numbers game being legal. As I said, I know now about what the Referendum is intended to do, so I have given notice of an Amendment to make it legal, and for any proceeds to be used for education, for the elderly monthly stipends and [to] raise that to the level it needs to be raised to, and housing, something that we all know is needed. Policies are being announced about these different things. You got to have money to do them.

We can set up a lottery, but what I understand from the experiences in other island countries that had a problem with the numbers and set up the lottery system, [is that] the number games went on. There was no change because government set up a lottery. That's the experience in some of the island countries that I know about, and I'm thinking a similar situation could happen here.

I don't have all the details, and the Premier did a good job of outlining the various problems that surround this issue, but you cannot wait on a referendum for that; it is continuing. Continuing on Eastern Avenue, continuing all over this country!

[Inaudible interjection]

Hon. W. McKeeva Bush: The fact is that Caymanians are purchasing these numbers and Caymanians— don't say they are not bettering, from what I understand. I was the Speaker, but my ear was to the ground. I was involved in my surroundings and listening and looking and understanding what's going on in the country. People pay off their loans from what I understand; and people buy numbers weekly to rely on an income to buy food and pay bills with.

That is happening in this country; that's happening in this country and I am not here blaming any government. It is a situation that exists, so I say let's make the number games legal. That's why I say set up a system where the illegal numbers is legally paying funds to our government instead of millions of dollars going into other countries to build up their economy, because that's what it is now. At least our government will get some revenue from that as I said, for education, housing and the elderly's needs including their insurance that we need to ensure is up to the level where it can take care of elderly people.

These are big bills, there is no denying these are big bills for this country to grapple with. We know we need education buildings; I need a high school in West Bay in the worse kind of way, and you could put another one in Bodden Town, and I would think that Cayman Brac must be in need of something now too. And you want an airport? We want and we should have the jet ways. Think of all the things that we are saying... a hundred houses? How much can we go into debt for these things?

We have to find revenue streams [and] I will talk more about that on my other Motion, but I believe that the number games allows us to get some funding that will help in those areas. In education, it might not build a high school, I don't know, I don't know the full extent of it, but you can believe that it would probably help with the feeding programme.

It would help, as I said, in housing. [It] might not build a hundred houses immediately, but for other times, and it will take this risk from Caymanians with their fines and everything else that are now being increased because of the crimes that exist. Don't say we don't know, we know; the Premier said so. The crimes exist in those areas and we need not say anything else, but that we need to make it legal.

I am not telling Government how to do it, that's for the Government, whether they find a consultancy or whatever to do this, but do it quickly and get that out of the way. You go into a referendum if you want, to introduce a proper or another kind of lottery system, then so be it if the people say Yes; but we cannot wait on any referendum for this, this is happening. Increasing the fines, it's going to continue. If there is social fallout because of it, it will continue. If there's social deterioration because of it, it will continue.

Madam Speaker, I don't think I need to belabour the point. The Premier took a long time to tell us the crimes around it, but we do not need the Premier or anybody else to tell us that we should do something about it now. This House needs to do something and it has been a debate and people [have] been asking about it for years. *Why don't Government do something?* Some of us said, *Oh no, you know, we are not going to do this now and we can't do this now, and the Church and this next thing*, and yes, all those things we have to consider and take the blows to do the good.

Thank you, Madam Speaker.

[Desk thumping]

The Speaker: Member for Red Bay.

Hon. Sir Alden McLaughlin: Thank you, Madam Speaker. If I could have the benefit of the lectern.

Madam Speaker, I am a real fan of *Alice in Wonderland*, and especially of the Cheshire Cat. **“Would you tell me, please, which way I ought to go from here?” ‘That depends a good deal on where you want to get to’, said the Cat. ‘I don’t much care where—’ said Alice. ‘Then it doesn’t matter which way you go,’ said the Cat. ‘—so long as I get somewhere,’ Alice added as an explanation. ‘Oh, you’re sure to do that,’ said the Cat, ‘if only you walk long enough.’”**

Madam Speaker, the Government's presentation on this whole issue of gambling, I can only describe as hind-foremost or to put it more delicately, the putting of the cart before the horse.

We had, starting this morning, a long exposition by the Honourable Premier about the importance and the need and all of the democratic virtues of holding a referendum to determine whether or not the country is in favour of a national lottery and of decriminalising consumption and possession of small quantities of marijuana or cannabis, and after considerable debate, the House voted in favour. The only abstention was mine and it was not because I didn't support what was being proposed in principle, but because I believe that the disregard for precision in the formulation of the question is bound to create problems down the road; but the concept of a referendum on these issues is something that I am fully supportive of.

Having done that, the Premier then proceeds to present a Gambling (Amendment) Bill, the stated purpose of which is to shut down the operation of the numbers game in Cayman because gambling is such an inherently dangerous and unlawful activity. The Premier did say, Madam Speaker, that the Gambling Act is older than him and that it has remained virtually unchanged all these years. The only changes that have occurred were those which he brought when he was a Minister in the Administration which I had the honour and privilege to lead, and they weren't brought at his initiative either. It was others of us who understood that

the Red Cross, and the Lions and Rotary clubs and all of these other important service organisations were operating unlawfully under the provisions of the Gambling Act ever since, so we took the opportunity, when the concern was about cruise ships being able to operate the casinos within territorial waters, to fix that matter.

Madam Speaker, for at least 40 years there has been the buying and selling of numbers in Cayman; at least 40 years. How [is it that], at the same point that the Government decides that it is going to hold a referendum on whether we should have a national lottery, the Government then decides that in advance of that they want to put as many Caymanians as they possibly can in jail, to keep them from buying and selling numbers? The logic of that eludes me, Madam Speaker.

We have survived this long with the law imperfect as it is but on the eve of us deciding whether or not the country wants a national lottery, we decide to increase the penalties to a point where we hope to shut down the numbers business in Cayman— I think that is being very optimistic.

The Premier purports to say he understands that this is a major social issue, that this has become part of the norm and part of the local culture, but I am not sure he really truly understands how endemic, for lack of a better word, this is. You can buy numbers for lotteries that play at least six times a day in Cayman. Then the scapegoat is, *oh, it has increased crime and it resulted in robberies and even in one unfortunate individual losing his life because he was present in a place that is known to sell numbers at the wrong time.*

Madam Speaker, without question, number sellers get robbed but hear this newflash: So do gas stations, Subway shops, restaurants, stores. I lost track after 25; at least 25 robberies have been reported since September. Two Friday evenings ago, I was sitting in an establishment in Central George Town talking with friends—

[Inaudible interjection]

Hon. Sir Alden McLaughlin: —and sipping on Macal-lan— thank you for saying so; suddenly there was this commotion. People by the door said the little store next door just got robbed. This is in the centre of George Town, in a plaza with businesses and people walking all over in broad daylight; 5:30 p.m., quarter to 6. Two men walked in with guns and robbed the little grocery store there. They are not selling numbers. My issue, Madam Speaker, is that it is wrong for us to use these sorts of hyperbole trying to get through changes which are being pushed from certain quarters.

Madam Speaker, I think you know— although I don't know you that well, but I know where you come from— you understand that the majority of people who buy a number are basically Caymanian. We got:

1. Caymanians
2. Jamaicans;

3. Latinos.

Those are the three principal nationalities that buy numbers and it is not big, rich people who are buying the numbers either, by and large. It is ordinary people. All of us who move around will understand this. I was 61 on September 6th this year, which means I was born in 1961. You know how many people bought numbers in various versions of that?

[Inaudible interjection]

Hon. Sir Alden McLaughlin: *Premier, when you say your birthday is? I gah turn it round, I gah turn it round. That's how the people operate.*

[Inaudible interjection]

Hon. Sir Alden McLaughlin: You know how many old people, senior citizens, buy a little number— *Boy, you know, I like number 14 today. Man I've been looking at that. We goin' put these people in jail? You tell me which police officer is goin' be brave enough, to go arrest the little old lady from down in Myles Road or Rock Hole and bring her and her wheelchair to the Summary Court.*

This is what we are dealing with; this is reality. I know, Madam Speaker that a few on that side may live in ivory towers, but most of them are ordinary people like me. They move around, they know who is who and what our people do, and whatever else people will ever accuse me of, they never accused me of not understanding what's happening in my country and on the ground, amongst my people, because that's where I have always been most comfortable; and I don't know if they got their ears to the ground, but I didn't even have to put mine to the ground. Everywhere I go, I am being assailed: *What they trying to do? What is the government trying to do to us? Don't they think we are under enough pressure already? They gah take this little thing away from us too?*

Madam Speaker, in case they think I am being dramatic, have they looked at what the amendments propose? There is a special one here that proposes to send... Yeah, here it is, that's the one. Madam Speaker, this is clause 10 of the Bill. *[Reading:]*

Penalty for conducting or taking part in lottery.

The principal Act is amended in section 21 as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of one hundred dollars, and in default of payment to imprisonment for three months, with or without hard labour”**

We're deleting that and we are substituting for it the words **“commits an offence and is liable on conviction to a fine of twenty thousand dollars or**

to imprisonment for a term of four years, or to both”. For buying a number? Seriously, Madam Speaker? *We gah send our people to jail for four years; four years? Let me get it right. Yes, and a fine of \$20,000 or both? Seriously? The Government that gets up, and the Premier who gets up every opportunity, We are the Government for the people and of the people?*

Like I said, they better speed up the rebuilding and renovation not just of the prison at Northward, but Fairbanks too, because plenty of women involved in this. Plenty women buy numbers. I am not asking anybody. I move around amongst them all the time. *Mr. Alden, what number you think we should play today? Happens to me all the time.*

[Inaudible interjection]

Hon. Sir Alden McLaughlin: *“What number you like for today?”*

[Inaudible interjection]

Hon. Sir Alden McLaughlin: Madam Speaker, what is the Government trying to achieve? The Member for West Bay West is absolutely dead right, because as I say all the time, whatever you say about him, don't think that he doesn't understand what the ordinary person in this country feels and thinks.

You think this is going to stop numbers being bought and sold, but it's going to provide the motivation for police to now go and arrest the easy targets. The little man, the little woman who go buy two little numbers, they goin' be the first ones.

[Inaudible interjection]

Hon. Sir Alden McLaughlin: The sellers? How many sellers they ever convicted? They had one high-profile case that went on for years, acquitted. It is the little person, and I don't mean dwarves, I mean persons of little means, who always suffer the most from these sorts of things.

The other point that the Member for West Bay made which is dead right, is: Putting in place a national lottery is not going to come even close to replacing the numbers game, when you can buy numbers that play every day. Madam Speaker, I just need to point out one thing to the Member for West Bay West about his Motion which says, that the numbers game means a gambling game in which the player of the game picks one number to match a number that will be drawn randomly the following day.

No; it is not only the following day, sometimes it's multiple times in one day. People have multiple chances and they win, many people win. Most people who I come across don't win large sums of money, but they get a few \$100 here and there, and you can always tell when they win because when they come through the door they got that smile on their face, boy.

Madam Speaker, the Government needs to decide what position it takes. They say that the principle motivation is the illegal activity and violent crime that it engenders, and as I said before, of course the sellers are easier targets because it's more difficult for them to make a report; but this is the same Government that in the same breath and in the same Motion is proposing the decriminalisation of small quantities of cannabis. There are no legal means, aside from medical purposes which are very carefully circumscribed, there are no legal means to bring marijuana to Cayman.

Does the Government understand the import of what I have just said? They are about to ask the country whether or not they support the decriminalisation of small quantities of marijuana— marijuana, which by its very presence in Cayman is illegal, because it could not have gotten here lawfully. You think that came in small quantities? It came in bales. What do you think was alongside it in the canoes when they were coming down? [It] wasn't slingshots. I don't think it was slingshots. You know, the Government really has got to stop being so schizophrenic about these things. You have to decide where you stand on these issues, you can't have it both ways.

Madam Speaker, the proposal... I am not supposed to talk about that, I will leave it until the Member for West Bay West moves his motion, but the approach that the Member is proposing, is really something that the Government should look at carefully. Find a way to regulate the numbers game. I am not saying that will stop all the illegal activity either, but at least you have a better chance because, if I want to buy a number and I know I can buy it legally from the Minister of Sports, I am not going to buy it from down so and so.

[Inaudible interjection]

Hon. Sir Alden McLaughlin: It will go a long way. The lottery is something I will support, but that is not going to be a substitute for most people for their daily numbers fix. Sometimes more than once a day they buy— *I win this morning 10:00, I win midday too.*

Madam Speaker, this is so deeply ingrained in the psyche of Caymanians and local residents that it is just going to result in many tears. We were worrying... Where he is? He's not here now but, you know, the Minister for Tourism [is] very, very, concerned, as I think most of us are, about our young people winding up with police records because they were caught with ganja. However, we are not worried about older people, because it is mostly the older people that I know [of], who buy this— I don't know too many young people who do it but I am sure some of them must do it too— but most of the older people I know are retired, and many of them [are] struggling to keep the lights on. We are not worried about putting them in jail, fining them sums that they cannot possibly ever pay, so that means they're going to jail for longer to deal with that; and

then they got a criminal record too. Somebody's grandmother, grandfather, my auntie.

Madam Speaker, that's what we are talking about. Why are we troubling this now? We know there is an issue, let's try to work through the issue. Let's take the kind of approach the Member for West Bay West is proposing; let's look at that and see how that can possibly be tweaked or revised, whatever, to work. To create a system by which this can be regulated without this draconian approach of sending masses of Caymanians to jail, because they bought a number.

I want Members to look deep within their own being, Madam Speaker, think about the circumstances of the people they represent and not buy into all of this hyperbole. You think when we pass this tonight, that all of a sudden the robberies goin' stop?

Madam Speaker, this Bill, with very few changes, was foisted upon me as Premier, to bring down here in 2018. It was gazetted. When he stands up to address the Bill, I ask the learned Attorney General to advise the House what his instructions from me were in relation to it.

Deferred indefinitely.

Madam Speaker, I know because of the representations I had then, that's four years ago, what the result of this would be to our people, not just mine you know, they belong to all of us. We represent all of them and certainly as Premier, I did represent them all and as I have said to the powers that be, whenever I have to make a choice between what I believe is best for my people and what the bureaucrats want, I will always come down in favour of what I believe is the right thing by my people.

Madam Speaker, I don't think I can add anymore until we get to the Committee Stage when I hope the Member for West Bay West will move his Amendment, and we can have another discussion to see if we can salvage something from what, in my view, will otherwise be a social disaster.

Thank you, Madam Speaker.

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

The Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Yes, please. Madam Speaker, thank you.

Madam Speaker, on November 7th the Government published the Gambling (Amendment) Bill, 2022, which is intended to amend the current Act, which as the Premier said has been in existence for almost 59 years, longer than I have been alive as well.

Minor amendments were made to the legislation in 2015 facilitating the registration of cruise ships with casinos on the local shipping registry, and also permitting local volunteer organisations, churches and service clubs to hold lawful raffles. The Bill before Parliament today is proposed to amend current legislation

in line with Government's efforts to foster safe communities in the Cayman Islands, maintain rule of law, and to disincentivise illegal gambling crimes in all of its forms, by providing updated legislation and appropriate sanctions.

Madam Speaker, in recent years, our community has seen a sharp increase in the rate of violent crimes linked to illegal gambling including armed robberies, intimidation, and murder. The rising crime and hidden societal implications of gambling, in general, are enabled through the existing legislation, which is outdated and provides little to no deterrents for those involved in this type of criminal activity.

The fine for offences under section 4 of the existing Act, including keeping a common gaming house, is \$400 or 12 months; while an offence under section 5 of the current Act, committing an act of illegal gambling, is \$10 or two months' imprisonment. I think we all agree that a \$10 fine or two months' imprisonment is not a deterrent. Current sanctions provide little or no deterrent effect to those engaged in this type of criminal enterprise. The adverse social impact of illegal gambling in our community is also significant, where there is an obvious link between illegal gambling and the various types of serious crime resulting from illegal gambling.

While there are obvious links, less obvious are the cost to law enforcement and the wider society, the social cost of gambling at an individual and familiar level are sometimes referred to as "hidden costs" due to the fact that they are often misunderstood or overlooked. It is therefore imperative that we enact legislation measures to deter illegal gambling and the long-term effects it has on the health and safety of our communities, our integrity as people, and the jurisdiction reputation for good governance and upholding the rule of law.

The increased sanctions and fines for a range of gambling offences contained in the new Bill will act as a strong deterrent to disincentivise those persons who engage in illegal gambling across the Cayman Islands. The enhanced powers and sanctions provided will assist the police to tackle this problem and go after the proceeds of illegal gambling confiscating assets obtained from the criminal proceeds of illegal gambling and betting.

Madam Speaker, the Gambling (Amendment) Bill's penalties are proposed to increase the range of gambling offences, including the use of ownership of premises for gambling, the publication of lottery numbers and dealing with money resulting from gambling. The fine for committing such offences would increase from \$400 to \$10,000, [and] in terms of imprisonment, from one year to four years. The Premier has already set out what some of the other penalties are so I will not duplicate that. The proposed amendments support [the] Government's strategic broad outcomes including, as I said earlier, creating safer communities, strengthening good governance for more effective government, and promoting the stronger enforcement of updated

legislation, including changing the current culture surrounding crime through increased enforcement.

Illegal gambling and crime in the Cayman Islands

Illegal gambling in the Cayman Islands is a criminal enterprise and is managed and controlled by organised crime syndicates who accumulate significant criminal assets, funding a criminal lifestyle, feeding an illicit underground black-market economy in an uncontrolled environment, significantly and adversely impacting the most vulnerable persons in our society. The police intelligence picture indicates that a hierarchical structure does exist in relation to illegal gambling in the Cayman Islands, with individuals employed as sales persons (sellers), and senior salespersons on behalf of a small group of coordinators.

In terms of organised crime groups structure, it is believed that a number of syndicates or organised crime groups, headed by a principal, operate within the Cayman Islands. There are defined roles within the organised crime group, with the principal subject coordinating subordinates to sell numbers; collect bets; pay out winnings, and transfer monies. The senior members of the organised crime group utilise contacts with legitimate businesses to launder money generated from illegal gambling.

Intelligence and arrests indicate that a number of persons are involved as salespersons, facilitating illegal gambling in the Cayman Islands. The majority only earn a relatively small income from these activities, based on how many numbers they sell. A significant portion of the street level salespersons involved in illegal gambling in the Cayman Islands are not permanent residents and reside here on work permits under the guise of working for legitimate employers.

A substantial number of local businesses and licensed premises, primarily in the district of George Town are utilised for the sale of numbers and exchange of cash. The locations where illegal gambling is taking place, and the profile of the suspects involved at the street level, indicate that these criminal activities run alongside legitimate small business enterprises, and the majority of those involved are supplementing income received from legal employment with additional funds generated from the sale numbers of foreign lotteries.

It is evident that over recent years, criminal groups involved in serious violent crime, target sellers and premises. Due to the revenue they generate, they are attractors for other serious crimes, where criminal groups will target those persons in possession of large amounts of cash obtained from illegal gambling. The offences include armed robbery [and] aggravated burglary, some with firearms involved. A significant portion of these offences, targeting those employed in illegal gambling are never reported to law enforcement. Violent crimes targeting the sellers, and often the other

open public locations, put the vendor and the wider community at risk.

Although considerable intelligence gaps still exist in respect of law enforcement insight into illegal gambling in the Cayman Islands— Madam Speaker, the numbers are staggering— an estimate of between \$30 and \$50 million in annual turnover, dependent on the number of active syndicates at any time, is a realistic and conservative figure for monies generated by illegal gambling.

Madam Speaker, this is a serious, serious, criminal enterprise that we see happening in our Islands. Illegal gambling is a pervasive criminal activity in the Cayman Islands. There is no legal alternative in the Cayman Islands, and as a result, organised crime has taken advantage of this gap in the market, resulting in the establishment of a number of crime syndicates offering the opportunity for residents of the Cayman Islands to gamble primarily on foreign legal lotteries by placing bets on numbers.

Illegal gambling poses a number of crime threats and security risks to the Cayman Islands. The organised crime groups involved have international links and import individuals to engage in their criminal enterprise. Illegal gambling generates a substantial amount of illicit revenue for organised crime, which is subsequently laundered through [the] licit economy of the Cayman Islands.

The largest illegal number games in the Cayman Islands are the Jamaican Cash Pot and Red Ball Lottery, which are based in the legal Supreme Ventures game of the same name. It is played seven days per week, six times a day. It pays \$3,000 for \$100 ticket or \$10,000 if the ticket is a mega ball ticket purchased for an additional \$100. In the Cayman Islands this game is controlled by a number of independent sellers.

The Honduran Lottery operates at 1.00 p.m. every Sunday. Sources indicate that they do not believe that the game is controlled by a single individual; there are multiple independent sellers operating the game. The game is still widely played by numerous demographics within our community. [The] British Virgin Islands (BVI) and Belize lotteries are still operated, but [are] not as well established as the Jamaican and Honduras lotteries. There are several main sellers and numerous independent sellers. These games are played three times a day, six days a week. Illegal sales are mainly operated from licenced retail premises in George Town.

Jamaican horse race betting continues to be popular. It operates on some Mondays and Wednesdays, all Saturdays and all public holidays. The activities take place all over Grand Cayman.

Violent crime linked to illegal gambling

Since the start of 2018, analysis of violent crimes in the Cayman Islands has resulted in the identification of 21 offences that are believed to be linked to

illegal gambling. It is inferred that this total is well below the actual number of offences that have taken place, due to under reporting because of the legal status of gambling in the Cayman Islands. The prevalence of these offences increased in the last 23 months, with eight occurring in 2021 and a further 10 offences in 2022.

In terms of location, they were located at retail shop premises, three at licensed premises, two at barbershops and one at a vacant lot; all were in the George Town area. The two remaining offences were at residential properties in George Town— and Madam Speaker, this is where it gets very serious.

In 20 of the crimes, a weapon was used, while in the remaining crimes, the witnesses were reluctant to provide any details and it is inferred that a weapon would likely have been present. Firearms were present in 17, handguns in 16, and what was believed to be a shotgun in the remaining crime. Handguns were discharged on two crimes that occurred on 20th July, 2021 and the 14th December, 2021. On 25th April, 2022, an attempted robbery turned fatal when a shot was discharged and a customer was fatally wounded. It is believed that robbery was linked to illegal gambling; two men, since charged with murder, are awaiting trial. On 21st June, 2022, two shots were fired in the commission of a related crime on Shedden Road.

Madam Speaker, I have heard the debate here today, and it talked about the Government having to increase Northward and Fairbanks because so many of our people are now going to be sent to prison. Madam Speaker, that's not what we intend at all. We want our people to stop taking part in an illegal numbers operation. Madam Speaker, Vegas was not built on winners. I don't know of people who can make a living by gambling. I don't know how that is done. We want our people to stop using the illegal gambling and put their money to better use. Madam Speaker, it would seem to me it is only a matter of time before we have another robbery, or God forbid, another death linked to illegal gambling.

Madam Speaker, governments have an obligation to protect their citizens from violent crime, and that is exactly what this Bill does. It may not be popular, but I really believe it is the right thing to do. The Bill provides a real deterrent to those who purchase illegal lottery tickets, and provides our law enforcement officers with the abilities to go after the assets of those who are the major players in the numbers game— and we have heard that we now have large crime syndicates that are involved in the illegal numbers game, Madam Speaker. This is not just two persons on the side of the road selling numbers; this is now organised crime. We have a duty to protect our people from this type of criminal activity. Madam Speaker, we must take action now before another life is lost.

In summary, in the absence of a robust legislative framework with appropriate sanctions, illegal gambling, in all its forms, presents a clear and unacceptable

risk to the security and safety of the people of the Cayman Islands.

Madam Speaker, I thank you.

The Speaker: Thank you, Honourable Member. Does any other Member wish to speak? *[Pause]*

The Honourable Attorney General.

Before you speak, Attorney General, I would like to remind Members of Standing Order 39. Whilst I know the microphones are not on, it does get a little loud when Members are speaking. [I'm] just asking everyone to not speak so loudly as to disturb the Members while they're speaking.

Thank you.

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

Madam Speaker, let me confess that most of what I would have been saying has been quite eloquently articulated by the Honourable Deputy Governor in his able presentation and the thrust of what I wish to say is, the objective of the proposed amendments is not to send anyone to Northward; it is not to commit anyone to prison, Madam Speaker. Far from being the case. The issue here is that the State has an obligation to protect people, Madam Speaker, in some instances, from themselves.

The fact of the matter is that, because of the gambling activity that they are involved with, which then results in instances of persons having a large stash of cash, they themselves become extremely vulnerable, and as we have heard Madam Speaker, have been exposed to violence, at times robberies and unfortunately there was a related death, albeit it doesn't seem or sound as if it was a direct case of robbery; but these are the sort of activities that are connected, unfortunately, with robberies.

What the Government is saying is that, if this is a means to an end, we need to find a way to prevent these sorts of activities from happening. The pull factor, really, is the cash, the amount of money that is involved, which is then causing persons to target the ones who are involved in these robberies and often-times, Madam Speaker, causing harm to these people. You heard the Honourable Deputy Governor; the Government has a responsibility to these people. It cannot be that the Government is prepared to stand by and allow these people to be subjected to this level of violence, Madam Speaker, and so that is the thrust of what is being proposed here.

The purpose of the Amendment therefore, is that it will act as a deterrent for persons who are engaged in the gambling activity from getting involved and by extension, Madam Speaker, will certainly prevent them from being themselves targeted by persons who are prone to committing these heinous crimes. Madam Speaker, the truth is that the position has always been, and will always be, that persons have an option. Persons have an option not to purchase or otherwise get

involved in these illegal activities. That is a way of preventing themselves from being subjected to the Gambling Act.

In addition, Madam Speaker, we saw what happened, the Government took the additional steps of seeking to engage the Cayman public on the issue by proposing a referendum to be preceded of course, by a period of public national dialogue on the issue. This will help to inform the future direction of travel, in respect of how to treat gambling Madam Speaker. Certainly, this is an approach that needs to be commended because the issue, as you heard from those who spoke before, has been kicked around for in excess of 40 years, but no one seems willing to *bell the cat* as it were, Madam Speaker.

People understand it's a very sensitive issue and I don't think anyone would deny that, but the fact is that over the years, the country's governments, various governments, have grappled with how to deal with this thing. Ever since I came here I have heard discussions about whether or not there should be a national lottery, but nothing has been done, Madam Speaker, because it is inherently a very difficult issue.

Madam Speaker if you ask me, the robberies, the injuries, are really collateral issues, but there are real issues that need to be tackled by the Government. There is a degree of immediacy about the whole thing. In recent times there has been [a] number of robberies, not all associated with gambling we must add, but the truth is that some were occasioned because of gambling.

Madam Speaker, the way the Government's obligation works is that, if there is one person injured as a result of that, then it is one too many and so the Government has an obligation to take steps to prevent, or at least mitigate that sort of exposure. That is what has been proposed in this Bill, Madam Speaker, it's not that the Government is trying to pack up Northward or Fairbanks as it were, or trying to cause people to have to pay \$20,000 in fines for that matter; but the Government has a responsibility to do what is necessary to protect members of the public Madam Speaker, who are associated with gambling, from being exposed to violence of some of the most heinous nature. That is the underlying objective.

I am not in the least, in any way, trying to minimise the history of the involvement that has been put forward, Madam Speaker, over the years. It is something that has become engrained in the society and not because people who are involved are evil, but you heard that it is a means to an end. A number of people think it is a means to an end. The Honourable Deputy Governor quite rightly pointed out [he is] not quite sure about how many people can make their living that way, but be that as it may, that is how some people view it and they are attracted to the initiative and so it is going to take some effort to wean them from it.

However, Madam Speaker, in the meanwhile, the Government also has to make an effort to ensure

that these persons are protected, and the way to do that is to put in place some sort of a deterrent to ensure that whenever persons think about getting involved in these things, they not only think about the potential harm to themselves, but they also think about the possibility of the serious penalties that are associated with them doing so, that is the crux of what the Government is trying to do—far from trying to imprison anyone, far from it.

The hope is that, once the penalty has been increased no one will do that; Madam Speaker, it is in the same breath, in the same vein, for that matter that the Government amended the law to deal with the alcohol level when they drive. It is not because the Government wants to send anyone to prison, it is not because the Government wants to fine everyone. It is a means to an end, the Government is trying to prevent, or mitigate, the carnage on the roads, and one way of doing so is to deal with the alcohol blood level and hope, Madam Speaker, that by having done so, persons will be discouraged from consuming alcohol and driving.

That is the same sort of thinking that goes into what is being proposed here, Madam Speaker. Legislation hasn't been amended for decades, decades, and these \$10 penalties, and in some instances I think there are some \$2 penalties... Pardon me, Madam Speaker... [Yes,] \$10 and there is a \$2 daily running penalty; it is really not in keeping with reality. Certainly not in keeping with reality. The truth is, that as long as it remains an offence on the books, Madam Speaker, then certainly there is an obligation on the part of the State to enforce it.

If at some stage, a different Government takes the view that it is no longer acceptable to treat with it as an offence, well, sufficient under the day; but for now it is still a criminal offence and as such, there is an obligation on the part of those who are involved in the enforcement, to deal with it. It is all the police is trying to do. They have been pleading with Government, have been pleading with us, pleading with just about everybody to say, *Listen, this thing has become a real problem for us*, in the sense that they are being called out to deal with these serious robberies, these shootings, because of persons who are involved in this numbers game. Hence, the police have been urging, begging, pleading, *Could you make it less attractive for persons to get involved in this kind of activity and hopefully [it] serves as a deterrent once the penalties have been increased?*

Madam Speaker, as I said, most of what I would have been citing in support has been already ably presented by the Honourable Deputy Governor and the Honourable Premier, but it is important that I lend my voice to the initiative to point out that it is not about sending persons to prison, and that's why there is an alternative; but the hope is that with the increase in penalty, it will act as a deterrent, and in a way save persons from themselves, from the potential exposure

of any harm to themselves by getting involved in the numbers game, Madam Speaker.

I thank you very much.

The Speaker: Members I know it's getting late, some of you haven't yet eaten for the evening. I will call on the Premier, if he wants to move an adjournment.

ADJOURNMENT

The Premier, Hon. G. Wayne Panton: Madam Speaker, thank you very much. The hour is getting late, and I think it is close to what we had originally fairly indicated to Members that we would be seeking to work to. I thank all Members for their contributions and I move the adjournment of this honourable House until 10.00 a.m. tomorrow morning.

The Speaker: The question is that this House do now adjourn until 10.00 a.m. tomorrow morning. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

At 8.28 p.m. the House stood adjourned until 10.00 a.m. Thursday, 8 December, 2022.