



OFFICE OF THE  
**PREMIER**  
CAYMAN ISLANDS GOVERNMENT

Remarks on the Legislative Assembly (Management) Bill, 2020  
By Premier Hon. Alden McLaughlin, MBE, JP, MLA  
26 October, 2020

Mr. Speaker, I rise to introduce the Legislative Assembly (Management) Bill, 2020; a bill for a law to provide for the independent management of the administrative functions of the Legislative Assembly and for incidental and connected purposes.

Mr. Speaker, it was on 15 October, 2015, when I moved a motion on the floor of this House that required that “responsibility for the administration of the Legislative Assembly be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly, and that the necessary measures to affect this transfer of responsibility be completed by 30th June 2016 by the parties concerned.”

We did not meet that date. In fact it has taken us five years, but I am certainly glad to be here today to present this bill for it to become law.

But, sir, that was not the first iteration of the idea to make this honourable assembly independent of the Civil Service. A similar motion was made in 2006 under the first Progressive's Administration and indeed has been a topic of discussion since the conflict between the Legislative and the Executive was officially recognised for the first time in 1954 in a famous tussle between Commissioner Andrew Gerrard and Mr. Ormond Panton.

Mr. Gerrard, who was the presiding officer of the Assembly, moved a motion involving his own salary or pension and offered to vacate the chair of the Assembly while it was debated. He proposed the Assistant Commissioner Mr. Desmond Watler should sit in his stead.

Assemblyman Panton objected on the basis that just as the Commissioner had a conflict of interest, so too would Mr. Watler.

The Standing Orders at the time said the Assembly could appoint a chairman from among themselves and Mr. Ormond was proposing Mr. Warren Connolly.

Neither man backed down.

The Commissioner stormed out of the Town Hall where the legislature was being held, jumped into his car and drove off in a rage.

There were more encounters involving Mr. Panton that would lead to an eventual separation of powers.

Mr. Panton and his father operated a shop and had a truck that they used for deliveries. Back then, you could license a truck quarterly, half-yearly or yearly. Mr. Panton had licensed his for half a year and had forgotten to get it renewed. In all some 14 people had failed to renew their licenses, including the Clerk of the Courts.

The Commissioner ordered the clerk to write to the 14 offenders about the licenses issue. Mr. Panton recalled in his biography, *A Special Son*, that his letter said that he should go to the Commissioner's office and explain why he had willfully failed to pay this tax. Mr. Ormond refused and it escalated when Mr. Panton learned that the Commissioner – who was also head of customs and resident magistrate – was going to try him himself after Mr. Panton had elected to be tried by two Caymanian JPs. On the day of the trial Mr. Panton made objections to the Commissioner trying the case since in his capacity as Collector General, he was the same person who instituted the proceedings. Mr. Panton, found guilty and ordered to pay 8 pounds, immediately announced his plans to appeal. A Jamaican judge came to Cayman, heard the appeal and reduced the fine to 4 pounds, which Mr. Panton still refused to pay, saying "I can't be 50 per cent wrong and 50 per cent right. If I accept this, I am accepting some wrong and I am not wrong. First

of all, he had no business writing me that I had willfully neglected to pay my taxes and secondly, it was wrong for him to sit on the bench and try me when he had introduced the proceedings”.

He tried to appeal the matter to the Appeal Court in Jamaica, but Government told him that cases tried in Petty Sessions Court in the Cayman Islands could be appealed only to the Grand Court and no further; the conviction would have to stand. To make a long story short, Mr. Panton wrote to the Lord Chief Justice in England. A law backing up Mr. Panton’s right to appeal to the Jamaica court was unearthed in no other place than the British Museum. He won the appeal and his conviction was quashed.

In another instance, Mr. Panton spoke out against a decision made by Judge E.M. Robinson who was president of the Cayman Sports Club to suspend from the club three young men who had been charged with the theft of liquor.

Mr. Panton is quoted as saying in his biography: “I went to him and told him I didn’t think that was the right thing to do because

he was prejudging the case and that he should withdraw the letter. He told me he would think of it, but he did nothing". A few days later, after Mr. Panton had closed his shop for the day, he wrote out three copies of the following message: "I Ormond Lauder Panton, like to think of Mr.

ABCDEFGHIJKLMNOPQRSTUVWXYZ Robinson in terms of the old proverb I once read: When monkeys are prone to their antic passes, the higher they climb the more they expose their asses." He went out into the night and put one copy on Judge Robinson's door, the other on the notice board in front of the court house and the third on his shop window. About 1 o'clock the next day, two armed police officers went to Mr. Panton's Cardinal Avenue store to arrest him.

Judge Robinson vowed to try him on the spot on the three charges he faced: The uttering of words to a police officer which tended to deter him from his duty; the unlawful publication of words which tended to a breach of peace; and for the publication

of words which tended to scandalise the Government by abusing the magistrate.

Mr. Panton protested Judge Robinsons' judging a case with which the judge was involved, to which Judge Robinson yelled "Shut up". Mr. Panton requested a two-week postponement, but received only one week. Eventually Judge Robinson's temper subsided; another magistrate heard the case and the charges were dismissed.

Mr. Panton would later recall: "With that, I filed against Robinson on the grounds that he was out of order to try me and that the charges were made without reasonable cause".

I have gone into that bit of detail to describe the untenable situation of having a Commissioner act as collector, judge and jury; in other words to point out the necessary separation of powers in Government, an issue previous successive governments have attempted to address in this House.

So for many years we have paid lip service to the autonomy of this Legislative Assembly. It is my hope and prayer that the passage of this bill will end the lip service and put into motion the removal of the Legislative Assembly from the authority of the Deputy Governor and the Civil Service. It is also my hope and prayer that this bill receives the same support that my motion did in 2015 when 15 members of this Honourable House approved the motion with two members being absent.

When I moved the motion in 2015 for Legislative Assembly autonomy, I had only 19 months remaining in that administration as Premier. I left it in the hands of God and the people to determine if I would lead the government for another four years.

Mr. Speaker, I said then that the modernisation of our constitutional electoral and parliamentary framework had been something that I have always been keenly interested in, and I still am.



With God's good graces and the will of the people I was returned as Premier of the Cayman Islands in 2017 and I now have the privilege of following up on my 2015 motion – delivering to our people a bill that will finally place the responsibility of the Legislative Assembly where it should be; with the Honourable Speaker and the Clerk.

If this bill does not become law the administration of the Legislative Assembly will remain vested with the Deputy Governor; who by the way wholeheartedly supports this bill. The result of the current arrangement is that direct administrative responsibilities for this House is in the hands of a non-elected senior civil servant and, by extension, ultimately in the hands of the Governor who has responsibility for the Civil Service.

Mr. Speaker, as you well know, until 1989 this very House did not have a Speaker at all. Indeed, the Governor sat as the presiding officer in the House. As a country, we have matured and progressed past that time, vastly improving our democracy. The

acceptance of this Bill will help to further enhance the democracy of the Cayman Islands.

The following considerations informed the Motion that I brought in 2015:

The following considerations informed the Motion:

1. Responsibility for the administration of the Legislative Assembly has historically been vested in the Deputy Governor and his predecessor, the Chief Secretary;
2. It is of fundamental importance that the doctrine of separation of powers not only be recognised, but also observed, and that the Executive and Legislative branches of the Government are independent of each other;
3. It is desired to make the Legislative Assembly independent of the Portfolio of the Civil Service (PoCS); and
4. It is desired that responsibility for administration of the Legislative Assembly be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly.

Mr. Speaker, subsequent to the passage of the Motion, Terms of Reference were established for the Select Committee on Administrative Autonomy of the House, which included, among other matters, the establishment of the Parliamentary Service Authority Law.

A subcommittee was established including the following members:

1. The Hon. Juliana O'Connor-Connolly, the then Speaker;
2. Myself as Premier;
3. The Hon. Franz Manderson, Deputy Governor;
4. The Hon. Samuel Bulgin, Attorney General;
5. The then Leader of the Opposition, the Hon. McKeeva Bush;
6. Mr. Alva Suckoo (MLA);
7. Mr. Ezzard Miller (MLA);
8. Mrs. Gloria McField- Nixon, Chief Officer of PoCS;
9. Mrs. Zena Merren-Chin, Clerk of the Legislative Assembly;  
and
10. Mr. Robert Lewis, a Cabinet Office resource to the Committee.

Mr. Speaker, following months of deliberations, a draft Bill was prepared; however, the matter was not concluded prior to the dissolution of the Legislative Assembly in 2017.

In 2018 work resumed by the technical advisors of the Subcommittee, with continued reference to the 2017 key documents, namely the draft Bill and the research undertaken by the Cabinet Office as to how other jurisdictions approached such matters. Following extensive research, focus narrowed on five jurisdictions – Barbados, Canada, Trinidad and Tobago, Malta and the United Kingdom, due to the extensive information available on their form and function and their similarity to the Cayman Islands.

After much consultation and work to progress this matter, we now have the Legislative Assembly (Management) Bill (2020), which allows for the establishment of a Management Commission to carry out the independent management of the administrative functions of the Legislative Assembly.

Mr. Speaker, the Bill makes provisions for the autonomy of the Commission by creating a unique entity, whose defining characteristics are more similar to an independent office, such as the Office of the Ombudsman, which is similarly overseen by a parliamentary committee and whose budget is ultimately subject to the approval of the Cabinet and the Legislative Assembly. Mr. Speaker, the Commission will not be classed as a statutory authority, as neither the Public Authorities Law nor the Labour Law will apply. Similarly, the Commission will not be categorized as a Government-Owned Company, as the Commission will be established in law rather than being incorporated.

The functions of the Commission will be to:

1. Carry out budgetary, financial and operational matters;
2. Establish the executive, management and administrative structure of the Commission;
3. Prepare regular budgets and reports;
4. Provide staff to enable the Legislative Assembly and its committees to operate efficiently;
5. Provide advice on parliamentary procedures;

6. Provide accurate reports of proceedings and meetings;
7. Provide library and research facilities;
8. Provide security services within the Legislative Assembly precincts;
9. Sell laws and earn revenue; and
10. Maintain the Legislative Assembly building

The Management Commission will establish a Council comprising the following:

- The Speaker, who will serve as the Chairperson;
- The Premier;
- The Leader of the Opposition;
- Three members of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Premier;
- One member of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Leader of the Opposition; and
- The Clerk of the Legislative Assembly, who will serve as the Council Secretary and will be an ex-officio, non-voting member.

Mr. Speaker, the research conducted highlighted that Commission or Board membership size varied significantly between

jurisdictions, ranging from five in Malta to a high of 12 in Barbados. There was no correlation between the population of the jurisdiction and the number of members. For instance, Malta, a small jurisdiction, has five members and the United Kingdom, a much larger jurisdiction, has six members. Informed by the comparison between the jurisdictions, the Select Committee on Administrative Autonomy of the Legislative Assembly decided on a Commission with relatively small membership; hence, the size of the Commission being proposed for the Cayman Islands is fairly small and falls within the range of those countries we benchmarked against.

I would now like to discuss the organizational structure of the Commission, including changes in title, functions and responsibilities. The Clerk of the Legislative Assembly will become the Chief Officer of the Commission and will:

1. Be an employee of the Commission;
2. Be appointed, supervised and terminated by the Speaker, acting upon the decision of the Council;

3. Have the powers, duties and functions of other Chief Officers as set out in the Public Service Management Law (PSML), with the exception of where the PSML conflicts with the Legislative Assembly Bill, the Legislative Assembly (Immunities, Powers and Privileges) Law or the Legislative Assembly Standing Orders; and
4. Be entrusted with the day-to-day administration of the Commission, including managing/overseeing the budget voted by the Legislative Assembly for the Commission, all monies paid into the Commission, preparing annual financial estimates of expenditure and submitting budgets to the Minister of Finance.

Vacation of Office by a Council Member shall occur when the member:

1. Resigns his or her office as the Speaker, Premier or the Leader of the Opposition;
2. Resigns as a member of the Legislative Assembly or otherwise ceases to be a member of the Legislative Assembly;
3. Is disqualified as a member of the Legislative Assembly pursuant to section 62 of the Constitution;
4. When appointments made by the Premier or Leader of the Opposition are rescinded in favour of another MLA, where the MLA breaches conflicts of interest safeguards in section 9 or where the appointed member resigns.



Mr. Speaker, as it relates to employment and remuneration, the Commission may employ staff at such remuneration and terms and conditions, including retirement medical benefits, as it deems fit. Terms and conditions shall be equivalent to those under the PSML.

Schedules 1 and 2 of the Legislative Assembly (Management) Bill, 2020, specify the pay and allowances of the Cabinet, Speaker and Members of the Legislative Assembly.

The Chief Officer shall manage the staff of the Commission including discipline, transfer and termination.

Mr. Speaker, I will now speak to the structure of the Commission. The structure of the Commission will empower the Council by Order:

1. To prescribe the executive, management and administrative structure of the Commission; and
2. Amend the Schedule which sets out the salaries, allowances or other benefits of elected members of the Cabinet, the Speaker, Deputy Speaker and elected members of the Legislative Assembly. Such orders are

subject to affirmative resolution in the Legislative Assembly.

Cabinet, after consultation with the Commission, may make regulations to underpin the Legislative Assembly (Management) Bill, 2020. Additionally, the Commission may make rules to regulate its own internal management; however, such rules are to be tabled in the Legislative Assembly and are subject to affirmative resolution.

Mr. Speaker, in closing, all that I have outlined is necessary to establish the Legislative Assembly as an autonomous body. This change is of fundamental importance as it will ensure that the doctrine of separation of powers is both recognised and observed, and that the executive and legislative branches of the Government are independent of each other.

Mr. Speaker, I would like to thank you and the Members of this Honourable House for your time and attention to this most pertinent matter.

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